

Committee Report

Item No: 7A

Reference: DC/23/04053

Case Officer: Nikita Mossman

Ward: Claydon & Barham.

Ward Member/s: Cllr David Penny and Cllr John Whitehead

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Householder Application - Conversion of and extension to existing garage/workshop to provide ancillary accommodation for family relative.

Location

Old Hall Cottage, Main Road, Hemingstone, Ipswich Suffolk IP6 9RJ

Expiry Date: 24/01/2024

Application Type: HSE - Householder Planning Application

Development Type: Householder

Applicant: Ms Judith Smart

Agent: S Hucklesby

Parish: Hemingstone

Site Area: 0.18

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

Has a Committee Call In request been received from a Council Member (Appendix 1): 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:

The application form confirms that the applicant and/or agent is one of the following:

- (a) A member of staff
- (b) An elected member
- (c) Related to a member of staff
- (d) Related to an elected member

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Adopted Joint Local Plan – Part 1 (2023)

SP03 - The sustainable location of new development
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP02 - Residential Annexes
LP03 - Residential Extensions and Conversions
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP29 - Safe, Sustainable and Active Transport

NPPF - National Planning Policy Framework (2023)

Neighbourhood Plan Status

The application site is not within a Neighbourhood Plan Area.

Consultations and Representations

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

[Click here to view consultee comments online](#)

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Hemingstone Parish Council

No response received.

National Consultee (Appendix 4)

British Horse Society

No response received.

County Council Responses (Appendix 5)

SCC – Highways – Received 19/12/2023

No objection subject to conditions regarding improved access, the parking arrangements and restriction of any obstruction or gate.

SCC – Public Rights of Way

No response received.

Internal Consultee Responses (Appendix 6)

BMSDC – Heritage Team – Received 15/12/2023

The proposal would cause no harm to the setting of the Grade II host listed building.

Place Services – Ecology – Received 09/11/2023

No objection subject to compliance with the Ecological Appraisal Recommendations and the submission of a Biodiversity Enhancement Layout.

Other Consultees

Stowmarket Group – Patch 4

No response received.

B: Representations

At the time of writing this report, no letters/emails/online comments have been received. A verbal update shall be provided as necessary.

(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: DC/20/00997	Listed Building Consent - Replacement of all existing timber casement windows.	DECISION: GTD 02.04.2020
REF: 0534/04/	REPLACEMENT OF EXISTING 1960S 2 FT RED CLAY CHIMNEY POTS WITH 900MM REDBANK CLAY CANON-HEADED CHIMNEY POTS	DECISION: GTD 15.07.2004
REF: 0061/04/LB	REMOVE CONCRETE FLOOR IN DINING ROOM AND HALL, REPLACE WITH COMPACTED SAND AND TILE FLOOR. REPLACE CONCRETE RENDER ON REAR ELEVATION WITH LIME RENDER. REPAINT EXTERIOR WALLS. REINSTATE ORIGINAL INGLENOK.	DECISION: GTD 05.05.2004
REF: 0286/03/LB	REPLACEMENT OF SOLE PLATE AND REPAIRS TO TIMBER FRAME. STRENGTHENING OF ROOF FRAME AFFECTED BY DEATH WATCH BEETLE.	DECISION: GTD 09.02.2004
REF: 0114/04/LB	REPLACEMENT OF EXISTING 1960S 2FT RED CLAY CHIMNEY POTS WITH 900MM REDBANK CLAY CANON-HEADED CHIMNEY POTS. REINSTATEMENT OF ORIGINAL INGLENOK.	DECISION: GTD 15.07.2004

PART THREE – ASSESSMENT OF APPLICATION

1.0. The Site and Surroundings

- 1.1. Old Hall Cottage is a detached dwelling located in the countryside, outside of any designated settlement boundary. The dwelling is Grade II listed but the outbuilding, to which this application relates, is not considered listed or curtilage listed.
- 1.2. The site lies within Flood Zone 1 and is at a very low risk of surface water flooding.
- 1.3. The closest neighbouring property is across the highway of Main Road to the south and is approximately 90m away. That property is a Grade I listed building known as Old Hall Farm.

2.0. The Proposal

- 2.1. The proposal seeks planning permission for the conversion of and extension to an existing garage/workshop to provide ancillary accommodation for family relatives.
- 2.2. The existing building measures c.6m in length and c.3m in width and it is approximately 8m away from the host dwelling. The length of the proposed extension is 6.2m with a width of 2.8m. It would have an eaves height of 2.05m and a maximum ridge height of 3.45m, which matches the existing building. The annexe would include a bedroom, a wet room and a kitchen/sitting area.

3.0. The Principle of Development

- 3.1. As a householder application for the conversion of and extension to existing garage/workshop to provide ancillary accommodation for family relatives, the proposal has been assessed having regards to the Joint Local Plan ('JLP') (2023) together with the NPPF (2023).
- 3.2. The JLP was formally adopted by the Council on 20th November 2023 and is now the statutory Development Plan. The NPPF provides that it "*does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise*".
- 3.3. The application site is outside of a designated settlement boundary; however, residential extensions/conversions are listed as an exemption in Table 5 of policy SP03, therefore, the development is supported by Policy SP03, subject to compliance with the requirements of LP02 and LP03.
- 3.4. Policy LP03 states: "*proposals for extensions to existing dwellings or conversions of buildings to ancillary use within the curtilage of residential dwellings will be supported where they:*
 - a) *Incorporate a high standard of design which maintains or enhances the character and appearance of the buildings, street scene and surroundings;*
 - b) *Will not result in over-development of the plot and will retain suitable amenity space. The cumulative effects of a number of extensions or conversions within the plot will be taken into account;*
 - c) *Will not unacceptably affect the amenities of neighbouring occupiers; and*
 - d) *Ensure sufficient parking spaces and turning spaces (where required) are retained or provided.*"

3.5. Policy LP02 states: “Residential annexes will be supported where the proposal:

- a) Is ancillary and subordinate in scale to the host dwelling;
- b) Does not involve the physical subdivision of the residential curtilage; and
- c) Is designed to easily allow for the annexe to be integrated later into the main building as a single dwellinghouse when the need no longer exists.

Where proposals for residential annexes are considered acceptable, planning conditions or obligations will be imposed to limit the occupation for use as an annexe, and to prevent the future use of the annexe as a separate dwelling.”

3.6. The proposed development is considered to meet the criteria of these policies. The outbuilding would be ancillary and subordinate to the host dwelling and would not involve a subdivision of the plot. The outbuilding is already existing and whilst it is proposed to be extended, it would remain available for incidental and ancillary purposes, being in close proximity to the main dwelling, should the need for the annexe no longer exist. An occupation restriction condition has been recommended to ensure that the proposed annexe cannot operate as a separate dwelling.

3.7. The extension would not detract from the character of the host dwelling, or the outbuilding and it would not result in overdevelopment of the plot. Neighbouring amenity would not be impacted by a significant amount to warrant refusal and the parking requirements are satisfied. Therefore, the proposal is considered acceptable in principle having regard to the provisions of SP03, LP02 and LP03.

3.8. The proposed development has been considered on the basis of its planning merits and the officer’s recommendation is given accordingly, having had regard for all material planning considerations; those key issues being discussed under their respective headings below.

4.0. Site Access, Parking and Highway Safety Considerations

4.1. In respect of Policy LP29 and Paragraph 115 of the NPPF, development should not adversely affect the highway network and associated safety.

4.2. The existing access onto Main Road would be utilised. The proposal includes 1no. additional bedroom within the proposed annexe and therefore, Suffolk County Council’s parking standards are engaged. In accordance with the standards, 3no. parking spaces are required. As per the block plan, parking spaces have been provided and there is ample space around the site which can be used for parking.

4.3. SCC Highways have been consulted on this application and did not raise any objections subject to recommended conditions regarding the improvement of the access, ensuring there is no obstruction to the visibility splays and suitable provision for cycle storage and EV charging.

5.0. Design and Layout

5.1. Paragraph 135 of the NPPF states that decisions should ensure that developments, amongst other things, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character, and function well and add to the overall quality of the area.

5.2. Policy LP24 states that ‘all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its context’.

- 5.3. The proposed materials to the extension are low-level masonry plinth, with a render finish over, painted to match the existing outbuilding and the main dwelling. Above eaves level, the gable ends are finished in painted feather edged weatherboarding.
- 5.4. The roof is to be finished using clay plain tiling, specifically Redland Rosemary Clay Classic Russet Mix by Marley to match the existing, and bargeboards and fascias will be painted timber to match the existing. The windows will also be painted timber casements, and the doors are to be painted timber.
- 5.5. To conclude, the proposal would not erode the character of the area, nor reduce the amenity of the area by means of appearance, traffic generation, nuisance or safety and accords with policies LP02, LP03 and LP24 of the JLP, and the NPPF.

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

- 6.1. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions."
- 6.2. The application is accompanied by an Ecology Report (OLDHALLCOTTAGE/2023/ER/001) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures. Place Services Ecology have been consulted and have raised no objection subject to conditions. Conditions include securing the Ecology Appraisal recommendations and a Biodiversity Enhancement Strategy. The proposal is acceptable in this regard.
- 6.3. Policy LP16 requires all developments to deliver 10% biodiversity net gains. Whilst no formal calculations have been completed to date, it can be reasonably assumed that the Biodiversity Enhancement Strategy to be submitted by way of condition would achieve this, and this would be secured through the condition.

7.0. Heritage Issues

- 7.1. A proposal that includes the curtilage or setting of a Listed Building or works to a Listed Building must respond to this significant consideration. The duty imposed by the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage asset. A finding of harm, even less than substantial harm, to the setting of a listed building must be given "considerable importance and weight*" (*Bath Society v Secretary of State for the Environment [1991] 1 W.L.R. 1303).
- 7.2. The outbuilding is within the setting of a Grade II listed building which is the host dwelling known as Old Hall Cottage. The Council's Heritage Team were consulted on this application and initially raised concern regarding the positioning of the extension to the outbuilding. However, amended drawings were submitted which moved the extension to the rear of the outbuilding and in doing so the amended proposal was considered to not detrimentally impact the character, appearance or the setting of the host listed dwelling and therefore, no harm would arise from the proposal.
- 7.3. Conditions were recommended by the Council's Heritage team requiring details of roof cladding materials and any external flues or mechanical ventilation.

7.3. The proposal accords with the Development Plan, namely Policy LP19, and is considered acceptable.

8.0. Impact on Residential Amenity

8.1. Policy LP24 and paragraph 135 of the NPPF require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties.

8.2. It is considered that this proposal does not give rise to any concerns of loss of neighbouring amenity (overlooking, loss of light, loss of privacy or overshadowing) by reason of the single storey nature of the proposed extension and the distance between the proposed annexe and any neighbouring dwellings. The extension does not result in overdevelopment of the plot to result in significant loss of amenity space for the host dwelling. Therefore, it is considered that the proposal is acceptable in this regard.

PART FOUR – CONCLUSION

9.0. Planning Balance and Conclusion

9.1. The proposed extension is considered subservient to the host dwelling and the outbuilding. It also does not constitute over development of the plot. The change of use of the building to an annexe, is considered acceptable in principle. The proposal would have no detrimental impact on the privacy and amenity of nearby neighbouring properties or the host dwelling. The parking requirement is satisfied, and therefore there is not a detrimental risk to highway safety. The proposal is in keeping with the character, form and materials of development in the area.

9.2. The proposal accords with the NPPF and policies of the Development Plan and is therefore considered acceptable. This application is recommended for approval pursuant to its compliance with JLP Policy and the NPPF.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to Grant Planning Permission.

(1) That the Chief Planning Officer be authorised to Grant Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard time limit (3yrs for implementation of scheme)
- Approved Plans (Plans submitted that form this application)
- Any proposed gates or other obstructions set back by 5 metres (ongoing requirement)
- Parking and manoeuvring (prior to occupation)
- Secure and lit cycle storage and EV charging (prior to occupation)
- Ecological Appraisal Recommendations (in accordance with ecology report)
- Biodiversity Enhancement Layout (prior to works above slab level of extension)
- Occupation restriction (ongoing requirement of development)

(2) And the following informative notes as summarised and those as may be deemed necessary:

- Proactive working statement
- SCC Highways notes