

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - A 08 February 2017

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| AGENDA ITEM NO | 3 |
| APPLICATION NO | 4402/16 |
| PROPOSAL | Erection of detached single storey dwelling with detached garage utilising existing vehicular access. |
| SITE LOCATION | The Little House, High Street, Gislingham, IP23 8JG |
| SITE AREA (Ha) | 0.1 |
| APPLICANT | Burgess Homes Ltd |
| RECEIVED | October 25, 2016 |
| EXPIRY DATE | December 21, 2016 |

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

The applicant's agent is currently employed by the Local Authority on a consultancy basis.

PRE-APPLICATION ADVICE

1. None

SITE AND SURROUNDINGS

2. This application relates to part of the rear garden area of The Little House, Finningham Road, Gislingham. The Little House is a grade II listed building which is a timber framed house with rendered walls and thatched roof. Trees within the garden are protected by a Tree Preservation Order. Vehicular access to the site is proposed via an existing access from High Street which is shared with Poplar House, a neighbouring property. This property was granted planning permission in September 2001 (0845/01). To the north-west of the plot is The Old Rectory a large detached house which is Grade II listed (listed as Suryodaya).

HISTORY

3. The planning history relevant to the application site is:

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| 4402/16 | Erection of detached single storey dwelling with detached garage utilising existing vehicular access. |
| 0845/01/ | ERECT DETACHED HOUSE AND GARAGE WITH NEW VEHICULAR ACCESS. Granted 11/09/2001 |
| 0047/00/OL | ERECTION OF DWELLING WITH GARAGE Granted |

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| | AND CONSTRUCTION OF NEW VEHICULAR ACCESS. | 15/09/2000 |
| 0036/96/LB | REPLACE WINDOWS ON FRONT ELEVATION; REPLACE FRONT AND SIDE DOOR; DEMOLISH EXISTING THATCHED PORCH; ERECT NEW PORCH. | Granted 08/05/1996 |
| 86/0581 | Erection of four two storey dwellings with garages, construction of access and private drive | 12/09/1986 |
| 0581/86 | Erection of four two storey dwellings with garages, construction of access and private drive | Granted 12/09/1986 |
| 0004/79/LB | Retention of demolition of former garage. | Granted 03/04/1979 |
| 0068/79 | Retention of domestic garage (replacing one recently demolished) | Granted 03/04/1979 |

PROPOSAL

4. Planning permission is sought for the erection of a detached single storey three bedroom dwelling with a detached single garage. It is proposed to be constructed with a finished mix of timber boarding and brick work with a brick plinth and a clay pantile roof. The detached garage block would be finished with timber boarding and clay pantiles. Vehicular access to the site is proposed via an existing access from High Street which is shared with Poplar House, a neighbouring property.

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

6. **Heritage Officer**

- considers that the proposal would cause less than substantial harm to a designated heritage asset because it would detract seriously from its setting.
- Earlier this year the Heritage team advised a different agent that erection of a dwelling on this site would not be supported because of harm to the setting of Little House and of Suryodaya.
- Little House is a thatched house of medieval date, originally with an open hall, subsequently floored over. It was extended to the rear in the 1600s but is unusually small in scale, having at some point been shortened at the west side. It stands close to the road with garden to its rear and east. Its plot has been curtailed by insertion of a dwelling to the north-east following a permission granted in 2001 (without objection from Conservation).
- To the west the cottage is flanked by a wall along the drive to Suryodaya, a

large detached house of 1791 in red brick, which served as the Rectory. The house is flanked by short lengths of garden wall, making an imposing architectural statement to the south frontage. The drive, flanking brick wall, and layout to the south combine to give a formal character to the setting complementing the strict classical symmetry of the house's architecture.

- Insertion of a further dwelling at the application site would adversely affect the setting of both listed buildings. For Little House, it would lose its last remaining direct relationship with surrounding countryside. Instead it would become enveloped as part of the continuous 1900s tandem development of the growing village. For these reasons this further subdivision is far more harmful than the first. The house's plot was unchanged from about 1900 up to 2001, and is likely to represent its historic plot; the proposal would further separate the house from its associated land.
- The encroachment of denser, tandem development up to the drive of Suryodaya would also detract from the sense of spacious detachment which is part of the designed layout to the south frontage.
- Harm to the significance of the heritage assets would be moderate in degree. There are no evident benefits to the listed buildings, and other public benefits are limited and could be achieved by other means with less harm.
- Harm to the heritage assets is therefore considered not to be justified in the terms of the NPPF.

In response to the applicant's agent challenging these views the Heritage Officer has offered the following observations:

- The agent has submitted a critique of the Heritage comment which requires correction. The Heritage comment is unchanged.
- Taking the agent's points in turn, pre-application advice stands whether or not the present applicant or agent saw fit to seek it. There seems to be an implication that a more favourable view would have been given to this scheme at pre-application stage.
- The agent's approach to setting is not in accordance with the established approach set out in Historic England's guidance, which has been endorsed in the Barnwell Manor case by the High Court. That case turned on (among other things) the Inspector's inadequate approach to the assessment of setting and the proposal's impact on setting.
- Nowhere does that guidance propose a fundamental distinction between the experience of an asset from public areas and that from private areas in understanding the extent of setting or any impacts. To assert that setting is limited to what can be seen from public viewpoints is a serious error, although when referring to Suryodaya the agent seems to acknowledge that the site does lie within its setting, despite not being in private or public view. In fact Historic England's guidance on setting leaves no doubt that to rely solely on visibility in either defining setting or assessing impact is an inadequate approach.
- Little House's relationship with undeveloped countryside to the front is compromised by the road and is not considered immediate. The land to the north has the character and amenity of a field and as such makes a contribution to the setting of the listed buildings.
- The erection of fencing and lack of maintenance on the site reflect the occupants' own preferences, and are not matters that deserve weight in a planning decision.
- It is well known that list entries are intended to identify the building listed, not

to define its significance, special interest or setting, which is the duty of the applicant in any relevant application.

- "Moderate" harm is greater than little and less than great. The Heritage team rates the degree of harm above "low". While there is not an official glossary for the rating of harm, we would avoid the word "significant" as it is used in different contexts to mean 'just enough to register but not material' and 'quite a lot', and because of the special use of the word 'significance' in heritage matters. "Demonstrable" does not seem to usefully describe the degree of harm, which should all be demonstrable.
- The more important point about harm is that it has been explicitly established by the courts that the statutory duties in the PLBCAA 1990 amount to a strong presumption against any harm to a listed building or its setting; even low harm is to be given 'great or considerable' weight, as is stated in the NPPF. The provision of a single dwelling has some public benefit, but in Heritage's view considerably short of outweighing harm to designated heritage assets.
- In Heritage's view, the design of the dwelling would not offer enough mitigation to outweigh harm.
- The existing dwelling would lose much of its remaining plot, would become part of a continuous 1900s/2000s urbanising development, and would no longer dominate the land associated with it. According to the Tree Officer the proposal would also pose a risk to trees, further eroding the rural character of the setting of the two listed buildings.

Landscape Officer

- The tree survey accompanying this application provides a generally accurate record of the trees on site. However, it does not assess the impact of the development on the trees or identify appropriate methods for their protection. Whilst such measures might minimise the likelihood of damage during construction I am also concerned that the proximity of the dwelling to the trees could result in undesirable living conditions for future occupiers, particularly domination of garden space and levels of light to the rear of the property.
- Furthermore, a number of trees affected by the proposal are subject to a TPO (Ref: MS 283) and I note that one of these, Ash T8, is not shown on the site layout plan, presumably intended for removal? This tree should be retained unless good reason is provided to justify its felling.
- Having visited site my concerns remain regarding the proximity of this proposal to the protected trees at the rear of the plot. Whilst the accompanying arboricultural report identifies measures to help lessen direct impact upon the trees I am not satisfied that it adequately addresses their above ground attributes which will have an adverse impact on living conditions and usability of the garden. Furthermore, Oak T9 has a low broad spreading crown and will not have adequate space for future growth without significant pruning. Accordingly in my view the layout design of this proposal does not provide suitable integration of new development with the natural environment and is likely to result in pressure to fell or ongoing pruning. Such requests will be difficult for the Council to resist and would threaten the value of the trees and consequently the character and appearance of the local area. As a result I am unable to support the application in its current form.

SCC Archaeology

- This site lies in an area of archaeological potential recorded on the County Historic Environment Record, in close proximity to an Anglo-Saxon cemetery and Roman and medieval artefact scatter (GSG 010). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
- There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- In this case investigation conditions would be appropriate.

SCC Highways

- The County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:
- Condition: The use shall not commence until the area(s) within the site shown on Drg No. 10A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes. Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway

Land Contamination Officer

- no objection to the proposed development from the perspective of land contamination. I would only request that we are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them

Gislingham Parish Council

- At a Parish Council meeting held on 21st November 2016 it was unanimously decided to support the application.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. One representation received from a neighbouring resident:
 - I live at Poplar House. My drive will be used for access to the new build. Presently there is Right-of-Way access for The Little House but that has never been exercised until now. As the only access to the new build will be using the (now) shared driveway we need to ensure that:

- During the build there is no obstruction to vehicular access to Poplar House.
- The driveway is made good following completion of the build.
- Fencing separating the properties is adequate and coherently standardised.
- Shared maintenance costs for the shared driveway are legally established

ASSESSMENT

8. Principle of development

Gislingham is Primary Village as defined in the Core Strategy, defined as a village capable of limited growth where local need has been established.

The site is located within the defined Housing Settlement Boundary where generally there is a presumption in favour of new residential development subject to there being no significant conflict with policies which aim to protect and the appearance and character of the village, with particular regard to the context of heritage assets and landscaping.

As Members are aware, the Council currently has a shortfall in the five year supply of housing land. In such circumstances, where the Council's adopted policies for the supply of housing cannot be considered up of date. The NPPF provides a presumption in favour of sustainable development which by definition has economic, social and environmental dimensions.

Paragraph 49 of the NPPF states that:

"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Mid Suffolk District Council does not have this housing land supply at this time and, as such, the Council's housing supply policies are not considered to be up to date. Paragraph 14 of the NPPF states in this respect:

"For decision-taking this means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"

In light of this, as the development plan is considered out of date in terms of the Council's housing supply policies, it is necessary to consider that, nevertheless, the NPPF requires that development be sustainable and assess whether the adverse impacts outweigh the benefits when considered in the whole.

Assessment of the detail provided against other material planning considerations considered most relevant to the development proposal are given below:

Design and Layout

The proposed dwelling is designed in a single storey form intended to be subservient to The Little House. It has been designed to reflect traditional vernacular architecture with the use of a mix of render, timber boarding and clay pantiles. The proposal represents development of approximately 50% of the existing curtilage of The Little House, a curtilage which has already been subdivided with the construction of Poplar House. The proposed layout of the site raises concerns with regard to the impact upon the setting of the neighbouring listed buildings and protected trees, as set out below.

Impact on Heritage Assets (Listed Buildings)

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Heritage officer does not support the application and considers that the site contributes significantly to the character, setting, significance and experience of the Grade II listed buildings. He is of the opinion that the insertion of a further dwelling on the application site would adversely affect the setting of the listed buildings The Little House and, to the rear, Suryodaya (The Old Rectory). For The Little House, it would lose its last remaining direct relationship with surrounding countryside, and would become enveloped as part of the continuous 1900s tandem development of the growing village. For these reasons this further subdivision is far more harmful than the first. The house's plot was unchanged from about 1900 up to 2001, and is likely to represent its historic plot; the proposal would further separate the house from its associated land.

The Heritage Officer also considers that the encroachment of denser, tandem development up to the drive of Suryodaya would also detract from the sense of spacious detachment which is part of the designed layout to the south frontage. Although harm to the significance of the heritage assets would be moderate in degree, there are no evident benefits to the listed buildings. Other public benefits are limited and could be achieved by other means with less harm. Harm to the heritage assets is therefore considered not to be justified in the terms of the NPPF.

The applicant's agent has challenged the Heritage Officer's views with regard to impact upon the setting of The Little House as the proposed dwelling would not be visible from a public viewpoint. In response to this the Heritage Officer, having regard to Historic England guidance, maintains his view that there would be harm to the setting of The Little House and this view does not rely solely on visibility in either defining setting or assessing impact.

The proposal is considered to therefore significantly affect the character,

setting, significance and experience of the grade II listed Little House and the neighbouring Suryodaya by eroding the existing openness currently afforded to their setting, without providing any significant public benefit, contrary to chapter 12 of the National Planning Policy Framework, and policies HB1 and HB8 of the Local Plan and policy CS5 of the Core Strategy.

Impact upon Archaeology

The Suffolk County Council Archaeological Service have commented that the site is located in an area of potential archaeological interest and have requested that an investigation of the site is undertaken prior to any development commencing.

Landscape Impact and Trees

The proposal results in the development of a significant proportion of the rear garden of The Little House. Historically, part of the rear garden has been previously developed with the granting of planning permission for Poplar House in September 2001 (application 0845/01). At that time a Tree Preservation Order was applied to two trees along the rear boundary of Little House, an Oak tree and an Ash tree. The application is supported by an Arboricultural Assessment which has been considered by the Council's Tree Officer.

It is his considered opinion that whilst the accompanying arboricultural report identifies measures to help lessen direct impact upon the trees he is not satisfied that it adequately addresses their above ground attributes which will have an adverse impact on living conditions and usability of the garden. Furthermore, Oak tree (T9) has a low broad spreading crown and will not have adequate space for future growth without significant pruning. Accordingly it is the view of the Landscape Officer that the layout design of this proposal does not provide suitable integration of new development with the natural environment and is likely to result in pressure to fell or ongoing pruning. Such requests will be difficult for the Council to resist and would threaten the value of the trees and consequently the character and appearance of the local area. Policy CL6 in the Local Plan states that Tree Preservation Orders are used where the removal of trees would be detrimental to the visual amenity of the surrounding area.

Highway Safety (Parking, Access, Layout)

It is proposed that the site would be accessed via an existing vehicular access from High Street which currently serves Poplar House, with a new section of driveway formed across the frontage of Poplar House to serve the development plot. The Highway Authority have raised no objections to the proposal subject to a condition requiring the provision of a parking and manoeuvring area within the site.

Residential Amenity

The single storey design of the proposed dwelling limits the extent of potential overlooking of neighbouring properties and impact upon privacy. The proposed access into the site would be via a shared driveway which currently serves the neighbouring property Poplar House. The applicant has a right of access over this driveway but it is not used as a primary access for The Little House. Vehicle

use of this driveway with the associated driveway extension into the plot would have some impact upon the residential amenity of the occupiers of Poplar House, however it is considered that this would be limited and insufficient to justify refusal on those grounds. It would be the responsibility of the applicant or developer to ensure that the legal position with regard to rights of access and responsibility for maintenance of the driveway is in place.

Flood Risk

The site is not located within an area of identified flood risk.

Environmental Issues (Land Contamination)

The application is supported by a Land Contamination Assessment. The Land Contamination Officer raises no objection to the proposal.

Conclusion

It is considered that the proposal would result in harm to the character, setting and significance of the grade II listed Little House and Suryodaya, and that this identified harm is not outweighed by any public benefit that would be achieved should the proposed development be granted. The proposal is therefore contrary chapter 12 of the NPPF (2012), and policies HB1 and HB8 of the Local Plan and policy CS5 of the Core Strategy. Additionally, the development he proposed dwelling would be positioned in close proximity to an Oak tree (T9) and an Ash tree (T8) at the rear of the plot which are protected by a Tree Preservation Order. It is considered that the layout design of this proposal does not provide suitable integration of new development with the natural environment and is likely to result in pressure to fell or ongoing pruning. Such requests will be difficult for the Council to resist and would threaten the value of the trees and consequently the character and appearance of the local area. It is therefore recommended that planning permission be refused.

RECOMMENDATION

That Full Planning Permission be refused for the following reasons:

1. The proposed dwelling would be positioned in close proximity to an Oak tree (T9) and an Ash tree (T8) at the rear of the plot which are protected by a Tree Preservation Order (No. MS 283). Whilst the accompanying arboricultural report identifies measures to help lessen direct impact upon the trees the Local Planning Authority is not satisfied that it adequately addresses their above ground attributes which will have an adverse impact on living conditions and usability of the garden. Furthermore, the Oak tree (T9) has a low broad spreading crown and will not have adequate space for future growth without significant pruning. Accordingly, it is considered that the layout design of this proposal does not provide suitable integration of new development with the natural environment and is likely to result in pressure to fell or ongoing pruning. Such requests will be difficult for the Council to resist and would threaten the value of the trees and consequently the character and appearance of the local area. Consequently it is considered that the proposal does not relate well or secure the protection of these important natural features. The proposal is contrary to policies GP1 and H13 of the Mid Suffolk Local Plan 1998, policy CS5 of the Core Strategy and paragraphs 56-66 of the National Planning Policy Framework.

2. The proposal would result in harm to the character, setting and significance of the Grade II listed properties Little House and Suryodaya by eroding the existing openness currently afforded to their setting, without providing any significant public benefit. This identified harm is not outweighed by any public benefit that would be achieved should the proposed development be granted. The proposal is therefore contrary to Chapter 12 of the National Planning Policy Framework (2012), and Policies HB1 and HB8 of the Mid Suffolk Local Plan (September 1998), and Policy CS5 of the Mid Suffolk Core Strategy (September 2008).

Philip Isbell
Professional Lead - Growth & Sustainable Planning

Stephen Burgess
Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

Cor1 - CS1 Settlement Hierarchy

Cor5 - CS5 Mid Suffolks Environment

CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

2. Mid Suffolk Local Plan

HB13 - PROTECTING ANCIENT MONUMENTS

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT

CL8 - PROTECTING WILDLIFE HABITATS

HB1 - PROTECTION OF HISTORIC BUILDINGS

CL6 - TREE PRESERVATION ORDERS

H3 - HOUSING DEVELOPMENT IN VILLAGES

H15 - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS

3. Planning Policy Statements, Circulars & Other policy

NPPF - National Planning Policy Framework

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letter(s) of representation(s) have been received from a total of 1 interested party(ies).

The following people **objected** to the application

The following people **supported** the application:

47

The following people **commented** on the application: