

Late Representations Supplementary Report

13 September 2016

Item 6 – DC/16/2982/FUL – Rosemount, 155 Stradbroke Road, Lowestoft

Having further considered neighbour concerns on the impact of additional development within the curtilage of the proposed dwelling and the potential for such development (including extensions, changes to the roof or provision of outbuildings) to materially impact upon local residential amenity, officers consider it both necessary and appropriate to remove permitted development rights as set out under Schedule 2, Part 1, Class A, Class B and Class E of the Town and Country Planning General Permitted Development Order 2015 (as amended).

The following condition is therefore recommended:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2016 (or any order revoking and re-enacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: To secure a properly planned development.

Item 7 – DC/16/0533/FUL – land adjacent to Hall Cottage, Church Road, Henstead

Further comments from Henstead Parish Council:

DC/16/0533/FUL Construction of 1no detached house Land adjacent to Hall Cottage Henstead for Mr Carat Developments Ltd (Revised drawing showing changes to access arrangements).

The Council has responded to this application prior to this amendment and has recommended refusal citing a number of objections. The Council makes it clear that the objections and recommendation are not affected by the response to the suggested amendments to the access arrangement.

The Council is of the opinion that whilst the new access arrangement may improve marginally the safety aspect of the access, the conditions recommended by Suffolk County council Highways department principally that the front hedge be reduced to 0.6m along the whole of the boundary to the highway will increase the visibility of the proposed house. The supporting statement has clearly stated that the proposed house will be well screened by existing shrubbery from the road (page 8 para 2.4) and therefore the proposed house will impact on the street scene and affect the setting of Hall Cottage.

The Council recommends refusal of this application

An additional condition is recommended:

11. Before any development is commenced a "Construction Management Plan" shall be submitted to and approved by the local planning authority. The Construction Management Plan shall include:

- details of proposals to control construction noise
- details of provision for parking of construction vehicles within or near the site
- proposals for deliveries including loading and unloading of plant and materials
- storage of plant and materials during construction and
- times and routes of delivery and construction vehicles.
- Hours of work and deliveries

Construction shall be carried out strictly in accordance with the approved "Construction Management Plan".

Reason: to protect the amenities of neighbouring residents

Item 8 – DC/16/3183/FUL – 28 Gunton St Peters Avenue, Lowestoft

Neighbour Responses:

Since writing the report a further 15 letters of objection have been received from local residents and the issues contained therein include:

- Access
- Boundary issues
- Already refused twice – this is no different
- Previously rejected on the grounds of overdevelopment of the plot and not on building size
- Dominating/Overbearing
- The removal of the garage makes little difference, the garage could be erected at any time in the future
- Drainage
- Landscape impact
- Loss of open space

- Enclosing of area
- The area is spacious and good to live in
- Paid extra for the privilege of living in this area
- Loss of outlook
- Loss of Privacy
- Loss of view
- Noise
- Not in keeping and uncharacteristic of area
- Garden grabbing and tandem building is frowned upon
- Scale
- Although height is reduced it is still a large bungalow
- Setting of precedent
- Loss of peace and quiet
- Erosion of green space
- Trees
- Wildlife
- Members site visit is suggested

Further comments include:

- This is the third application for a property on this site and is still an inappropriate one as there is no garage on the plans it would be easy to extend on the east and south elevations which I suspect the developer has in mind if planning was given which would then amount to the same over development as plans already refused, this could then be used as a clever way forward for future developments of the same nature and as such should be strongly opposed
- This is an established residential and this development is unwanted and would be detrimental to the area.
- The amended plans showing the removal of the garage do not overcome the issue of over development. This is the basis on which the previous two applications have been correctly denied. This is a small piece of land and any building would affect the privacy and aspect of neighbouring properties and will lead to increased road traffic and noise in this quiet area.

- The adjacent public footpath will be subject to less natural light, making it darker, damper and potentially hazardous.
- By agreeing to this application you as a council would be endorsing garden grabbing. In your capacity as our representatives on the planning committee you must be aware that gardens have been taken out of the brownfield category and once again I draw your attention to the following link, in particular point 3.
- <https://www.gov.uk/government/news/new-powers-to-prevent-unwanted-garden-grabbing>
- The whole of any housing plot, including any garden, has been classed as “Brownfield” or previously developed land, in the same category and derelict factories and disused railway sidings. The new Government recognises the concerns that some people have about the loss of gardens, and is amending Planning Policy Statement 3 (PPS3) to remove the classification of ‘previously developed land’. PPS3 can be viewed at:
www.communities.gov.uk/publications/planningandbuilding/pps3housing .
- Reclassifying garden land will enable councils to protect gardens from inappropriate development by rejecting planning applications for development that is objected to by the local community and spoils the character of neighbourhoods
- This is the third time the residents in the area have come together to categorically voice their objections to this proposal and the council need to once again reject this “inappropriate” application.
- Approval would set a dangerous precedent and would be detrimental to the area and the reputation of a council who allow green areas to be lost with no consideration for wildlife and the aesthetics of the town.
- I refer to my earlier e-mail concerning Suffolk Coastal District’s council planning policies and would like to refer you to their policies:
- AP26 Development in towns (ii) which states that planning applications are acceptable only if they do NOT cause problems to residential amenity, the existing character of an area, the environment or highway safety. I consider that this planning application affects the existing character of this area in a negative manner, is potentially a problem to highway safety and residential amenity. Let alone the loss of green space in the important environment of suburban gardens.
- AP28 (iii) which states that areas to be protected includes gap, gardens and spaces that contribute to their underdeveloped state to the setting, character and or surrounding townscape, if Waveney District Council is now in partnership or pre-merger status with Suffolk Coastal District Council, how can their policies be so diverse? Surely this is a difficulty for the planning staff working for both councils as the policies are so different.
- AP29 (ii) which states the negative effects of visual intrusion should be taken into consideration. Again, a valid argument with regard to this planning application.

- AP36 3.59 which states that town cramming should be avoided and that private garden spaces are important components in avoiding this happening, which is most relevant to this planning application.
- AP39 (iv) which states that tandem types of backland development which would reduce residential amenity, mainly as a result of increased noise and loss of privacy, and or would lead to a reduction in the particular character of the surrounding area again should be strongly resisted. Again this is relevant to this planning application.
- I consider that Waveney District Council needs to make available its policy before any decision can be made on this planning application or work to the highest standards, in my opinion Suffolk Coastal's policy.

Suffolk County Highways

The following comments have been received from Suffolk County Highways:

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

Condition: No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No. DM02; and with an entrance width of 3 metres and been made available for use.

Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.

Condition: Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

Note: Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.

Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

Other issues/amendments:

Paragraph 1.3 states that the garden to the donor dwelling has been increased since the last refusal. This is incorrect and the garden remains the same size as that on the last refused application (DC/16/2161/FUL). It was increased from the original refusal (DC/16/1025/FUL) in response to member's comments concerning lack of amenity space and the uncharacteristic size of the garden. No other alterations have taken place to the garden area.

It has been raised that the floor plans and elevations did not correspond with respect to window openings. This had been picked up by officers and amended plans have now been received and will be presented to members. The footprint of the bungalow remains the same, it is purely window openings that there was a discrepancy with, which has now been resolved.

An additional condition is recommended:

14. Before any development is commenced a "Construction Management Plan" shall be submitted to and approved by the local planning authority. The Construction Management Plan shall include:

- details of proposals to control construction noise
- details of provision for parking of construction vehicles within or near the site
- proposals for deliveries including loading and unloading of plant and materials
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- times and routes of delivery and construction vehicles.
- Hours of work and deliveries

Construction shall be carried out strictly in accordance with the approved "Construction Management Plan".

Reason: to protect the amenities of neighbouring residents

Item 9 - DC/16/2420/FUL – 5 Vicarage Lane, Mettingham

- An amended plan was received 12th September revising the first floor roof element from a gable to a hipped end design to further reduce the impact to the adjoining neighbour. If Members are minded to agree to this revision, approval could be delegated to officers to supersede the earlier drawing for the latest revision.

Minutes of a site meeting held on Thursday, 8 September 2016 at 2.33pm
at 5 Vicarage Lane, Mettingham, Bungay

Members Present:

Councillors P Ashdown (Chairman), S Allen, G Elliott and M Pitchers.

Apologies:

Councillors N Brooks, A Cackett, J Ceresa, M Cherry, J Ford, I Graham, J Groom, L Harris-Logan and T Mortimer.

Officers Present:

M van de Pieterman (Area Planning and Enforcement Officer), D Wicks (Assistant Planning and Enforcement Officer) and S Carter (Democratic Services Officer).

Others in Attendance:

Mrs Toplis, Applicant
Mr Shiplee, Neighbour/Objector

The Chairman welcomed Members to the site meeting and reminded those present that the purpose of the meeting was a 'fact finding' exercise only and to provide Members with an opportunity to view the site and its surroundings.

The application had been deferred by the Committee at its meeting on 16 August 2016 in order to allow for a site visit to take place to enable Members to fully assess the configuration of the site and any subsequent implications of the visual amenities of the area and the potential impact on the amenities of adjoining neighbours.

No decision would be made before the application was reconsidered at the meeting of the Planning Committee on 13 September 2016.

The Assistant Planning and Enforcement Officer explained that the application was for the construction of single and two storey rear extensions. The proposed single storey extension was 6m deep and the two storey extension was 3.3m deep and 0.5m lower than the existing ridge height. She explained the precise location of the extension which was 6m distant from the boundary with the adjoining neighbour on the ground floor outer edge of the proposed sunroom extension. The boundary hedge itself had been recently cut by the neighbour in the applicant's absence. The agent had provided a detailed diagram of the sight line which showed that the proposal was well within the 45 degree element.

The Assistant Planning and Enforcement Officer explained that the issues to be addressed were whether the proposal would have a harmful impact and if the extension was on the front or rear of the property.

Note: Councillor Pitchers arrived at 2.38pm.

Questions

Members raised questions on the following issues:

- Side facing windows.
- Height of the two storey extension.
- The definition of a rear garden.
- The original configuration of the dwellings and size of the property.
- Policy DM21.

The Assistant Planning and Enforcement Officer explained that there were no side facing windows and Members noted the height of the two storey extension would be 0.5m lower than the existing ridge height. The side of the property facing the road was now the principal elevation and the garden area opposite the proposal was laid out as a more private, back garden area. The two semi-detached dwellings had originally been four cottages. It was understood that local policy DM21 relating to modest size extensions on rural dwellings was under review and would possibly no longer stipulate any specific size. The fall back position was that the extension would be allowed under permitted development if it was at the rear of the property and not positioned within 2m of any adjoining boundary.

Comments from the Applicant

Mrs Toplis explained that the proposal was for a south facing garden room; the current playroom would be extended into a family room on the ground floor and the first floor extension would increase the size of the master bedroom. The architect had advised that it would be more difficult to extend on the west side because of the chimney and some of the current parking spaces would be lost. The door facing north was their rear entrance and used for letters. Mrs Toplis further stated that they did not have access rights over the track on the southern boundary, thus resulting in the need to retain the side for parking.

Members walked the footpath on the northern boundary and also the track on the southern boundary to get a more detailed understanding of the whole site and its layout. It was noted that there was little depth of garden between the rear of the dwellings and the footpath on the northern boundary.

On entering the garden of No. 6, Mr Shiplee showed photographs and also pointed out the location of the setting sun and resulting loss of light if the extension was approved. Members noted that the entrance from the track did lead through to the front entrance at that property.

Questions

Specific questions were asked with regard to:

- The view of the Parish Council.
- Clarifying the precise size of the extension.

The Assistant Planning and Enforcement Officer advised that the Parish Council had no objection but had commented on the overhead telephone wire, which might need to be moved. The proposed two storey extension was 3.3m; permitted development would allow a 3m deep two storey element on a rear elevation.

There being no further questions, the Chairman stated that it had been a worthwhile site visit to give the Committee the opportunity to see and understand the perceived differences between the front and back of the properties. He thanked everyone for attending and closed the meeting.

The site visit concluded at 3.03pm.

Item 10 – DC/16/2969/RG3 – 3, 5, 7 Staithe Road, Bungay

The site plan included in the Committee Report is incorrect; an amended plan will be included in the officer presentation.

Item 11 – DC/16/2970/LBC – 3, 5, 7 Staithe Road, Bungay

The site plan included in the Committee Report is incorrect; an amended plan will be included in the officer presentation.