

PLANNING COMMITTEE - 29 MAY 2018

APPLICATION NO DC/18/0862/FUL

LOCATION

9 Glebe Close
 Lowestoft
 Suffolk
 NR32 4NU

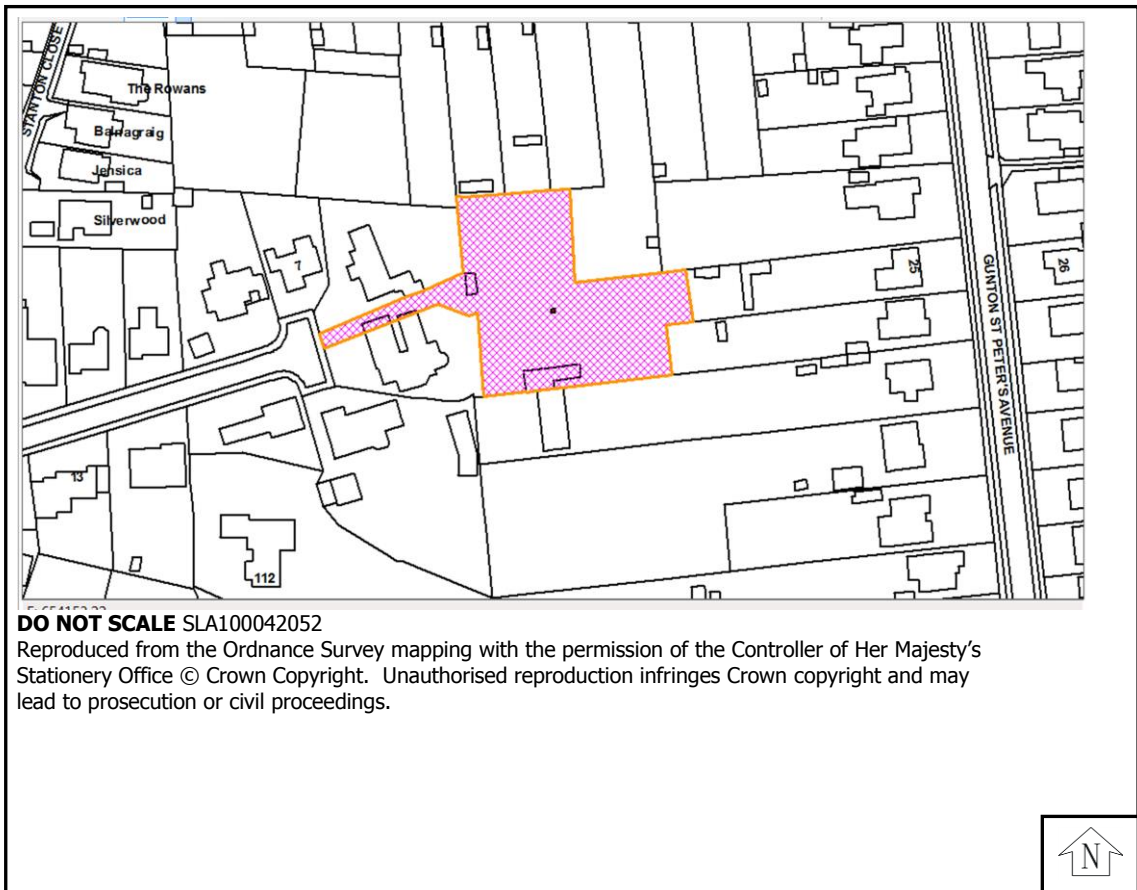
EXPIRY DATE 26 April 2018

APPLICATION TYPE Full Application

APPLICANT Mr Russell Ritchie

PARISH Lowestoft

PROPOSAL Proposed residential development land adjacent 9 Glebe Close, Lowestoft, Suffolk. The building design is single storey in nature and the slight reduction in the size of the existing dwelling has no impact on the appearance of the street scene leaving a significant level of accommodation



SUMMARY

1.1 The submitted application seeks approval for the erection of a single bungalow to the rear of 9 Glebe Close.

- 1.2 Members will be well versed and familiar with this particular site which has been subject to many applications (further noted below in the history section).
- 1.3 Whilst the application has not been subject to a member call-in, given the history of the site and the significant level of local interest it is presented to members in the interests of transparency.

2 SITE DESCRIPTION

- 2.1 The site subject to this application is located at the eastern end of Glebe Close which is a residential cul-de-sac in a very popular area of the town. It is characterised by single storey dwellings situated within very spacious and generous gardens and there are a number of mature trees in the area giving a very distinctive landscape character despite the domestic grain and characteristics of Glebe Close.
- 2.2 Gunton St Peters Avenue is to the east of the site and there are shared boundaries with a number of properties on this road, where the gardens are very generous. To the north is Stanton Close and Clover Way, Gunton Church Lane is to the north-west and to the south-west is the access to Georgian Grove. Gunton Church Lane gives direct access to Yarmouth Road (the A47 – formerly the A12).
- 2.3 The defining characteristics of the area are well proportioned and spaced single storey dwellings, with the only exception being those on Georgian Grove, which are two-storey modern terraced properties and dwellings on Gunton Church Lane, which are a mix of detached and semi-detached dwellings, however these again are very well proportioned and have generous gardens and the overall density of the area is relatively low.

3 PROPOSAL

- 3.1 The submitted application is for the removal of part of the existing dwelling to create a wider access and for the erection of a single bungalow, with associated garage, parking and garden space to the rear of 9 Glebe Close.

4 CONSULTATIONS/COMMENTS

- 4.1 **Neighbour consultation/representations:** 35 letters of objections received: comments précised below (full letters available on council website)

- Traffic/highways
- Wildlife
- No ecological survey carried out
- Disturbance to owl boxes in neighbours tree
- Landscape impact
- Trees
- Precedent
- Noise and disturbance
- Overlooking/loss of privacy
- Contrary to policy

- Overdevelopment
- Uncharacteristic/not in keeping
- Detriment to locality and community
- Negative effect on neighbours property
- Proximity of proposed dwelling to boundary
- Water pressure
- Previous history of site
- Erosion of human rights to decent existence in our chosen area
- May try and change the plans at a later date into two dwellings rather than one
- The government is against this type of garden grabbing.
- Drainage
- Inappropriate in Conservation Area
- Loss of open space
- The value of ours & surrounding property would decrease
- We bought our house because of the view at the rear, open space and trees, not somebody else's roofline
- Building work
- Dominating/Overbearing
- Loss of outlook

4.2 **Parish/Town Council Comments:** The Lowestoft Town Council Planning Committee considered this application at a meeting on 20 March 2018. It was agreed to recommend that the application is approved. The Town Council would wish to see the permitted development rights removed to prevent future conversion into two dwellings. The Town Council would also ask that a development plan is put in place prior to construction which protects the local amenity for neighbouring properties.

4.3 **Essex And Suffolk Water PLC:** Our records show that we do not any apparatus located in the proposed development.

We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

4.4 **Suffolk County - Highways Department:** No objection subject to the imposition of conditions

4.5 **Waveney Norse - Property and Facilities:** No response received

4.6 **WDC Environmental Health - Contaminated Land:** No objection subject to the imposition of conditions

SITE NOTICES

The following site notices have been displayed:

General Site Notice

Reason for site notice: New Dwelling, Date posted 16.03.2018
Expiry date 05.04.2018

RELATED APPLICATIONS

Reference No	Proposal	Decision	Date
DC/77/0369/FUL	Double garage	Approved	06.08.1977
DC/82/0262/FUL	Erection of extensions	Approved	24.02.1982
DC/96/0941/FUL	Outline application - two plots for residential dwellings	Refused	11.02.1997
DC/16/1513/FUL	Construction of single storey side and rear extensions	Approved	24.05.2016
DC/17/0561/FUL	Construction of 3 no. Dwellings	Refused	24.05.2017
DC/17/4288/FUL	Construction of a detached bungalow	Withdrawn	27.12.2017

PLANNING POLICY

5.1 The following policies of the Waveney Development Plan are relevant to the consideration of this application:

5.2 Waveney District Council Core Strategy (adopted January 2009)

- CS01 Spatial Strategy
- CS02 High Quality and Sustainable Design
- CS16 Natural Environment

5.3 Waveney District Council Development Management Policies (adopted January 2011)

- DM01 Physical Limits
- DM02 Design Principles
- DM27 Protection of Landscape Character

5.4 Notwithstanding the above there is an additional policy contained within the Waveney local Plan Final Draft Policy WLP8.33 – Residential Gardens and Urban Infilling, however this can only be given very limited weight as the final draft is currently in a consultation period and policies may be subject to change. Nevertheless policy WLP8.33 states:

Housing development on garden and other urban infill sites will be supported where they satisfy the following criteria:

- The scale, design and siting of the proposal is in keeping with the character and density of the surrounding development and would not generate a cramped form of development.
- Attractive, useable and proportionately sized amenity spaces and adequate parking and turning spaces are provided for the proposed and existing dwellings.
- The proposal, by way of design, siting and materials integrates into the surrounding built, natural, and where necessary historic environment.

- The living conditions of proposed and existing properties are not unacceptably harmed through means such as overlooking, loss of light, or overbearing forms of development;
- Safe access is provided which does not generate significant harm to the character or amenity of the area.
- Safeguard protected trees.

Neighbourhood Plans are able to set their own policies on this type of development which responds to local circumstances.

6 PLANNING CONSIDERATIONS

- 6.1 There are a considerable number of issues arising from this application that require consideration and these are addressed further below.

Principle

- 6.2 The first issue is that of principle. As already stated there is a considerable history relating to the potential development of the site, however as the site is located within the physical limits of the town where the majority of new housing is to be accommodated the principle is broadly acceptable. Nevertheless, this does not necessarily mean that all sites are suitable for development and the success or otherwise, of a scheme, will depend on a number of other issues including the design, scale, siting, access, impact on the character of the area and visual and residential amenities and these will be given more in depth consideration further in this report.

Policy

- 6.3 Policies CS01 and DM01 relate to the physical limits of the district as defined in the Local Plan and the overall spatial strategy for the district. Lowestoft is the prime area for growth followed by the market towns and larger villages, with limited development in smaller villages and the open countryside. As such the proposed development would comply with these policies in principle by virtue of its location within the physical limits for Lowestoft, however. Officer's note in paragraph 6.1, that just because a site is within the defined physical limits it does not mean that it is suitable for development (in matters of detail), i.e. other considerations will need to be taken into account.
- 6.4 Policies CS02 and DM02 relate to high quality and sustainable design that positively improves the character, appearance and environmental quality of an area and the way it functions. CS02 states that particular regard should be given to the character and distinctiveness of the local area, the protection of local amenity and provide, conserve and enhance biodiversity. Furthermore DM02 states that the proposed development should be sympathetic to the site and its surroundings and that all proposals should respect and enhance the identity and character of the site, contribute towards the distinctiveness of the local area, the quality of the built environment and the surrounding landscape.
- 6.5 Policy DM02 also states that development proposals will also be expected to:
- Protect the amenity of the wider environment, neighbouring uses and occupiers of the proposed development in terms of overlooking, loss of privacy, loss of outlook, loss of

light, pollution (including contaminated land, light pollution or emissions), odour, noise and other forms of disturbance;

- Produce developments in keeping with the overall scale, character, layout, site coverage, height and massing of existing buildings, taking into account the relationship between buildings and spaces and the wider street scene or townscape and use appropriate materials for the locality;
- Take into account the need to promote public safety and deter crime and disorder through careful layout and design of buildings, car parking areas, landscaping, public spaces and pedestrian routeways;
- Adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with Suffolk County Council's Advisory Parking Standards, including parking for people with disabilities. In exceptional circumstances, the application of these standards may be varied in order to reflect the accessibility of the site by non-car modes or other identified local requirement;
- Incorporate measures to minimise water and energy consumption, through carefully considered design, layout and orientation of buildings and to make provision for recycling waste, in particular ensuring that adequate bin storage areas are provided;
- Ensure that the capacity of local wastewater treatment and sewerage network infrastructure is not exceeded and that the proposals comply with the Water Framework Directive objectives;
- Incorporate Sustainable Drainage Schemes unless following adequate assessment, soil conditions and/or engineering feasibility demonstrates this method is inappropriate;
- Retain and enhance existing landscaping and natural and semi-natural features on site, for example woodland, trees, hedgerows, ponds, watercourses, geological features. All new developments must include details of new hard and soft landscaping to illustrate how the development could be satisfactorily integrated into the surrounding area and create green-links and networks to improve ecological connectivity;
- Ensure access to the site that does not compromise highway safety and the traffic generated by the development is capable of being accommodated on the surrounding transport network.

6.6 It is considered that the proposed development would not conform with policies CS02 and DM02 as the density of the development is not characteristic to the overall area and would create a feeling of enclosure that would be detrimental to the amenities of the area as a whole, and more specifically that of local residents. It would not be in keeping with the overall scale, character, layout, site coverage and would have an impact on the relationship between buildings and boundaries and there is likely to be a significant and detrimental impact on the ecological character of the area that has not been fully addressed. As such it is officer opinion that the proposed development would be contrary to policies CS02 and DM02 of the adopted Local Plan.

- 6.7 The final three policies are also intrinsically linked and are considered as such. CS16 (Natural Environment), DM27 (Protection of Landscape Character) seeks to protect landscape character and biodiversity and should add to local distinctiveness, retain tranquillity, avoid fragmentation of habitats and seek to enhance wildlife corridors and networks. DM27 goes on to state that development should be informed by, and be sympathetic to the distinctive characteristics of an area and should demonstrate that their location, scale, design and materials will protect and where possible, enhance the special qualities and local distinctiveness of the area. Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts.
- 6.8 In this particular instance it is considered that the proposed development would prove unacceptable insofar as it would not respect the landscape character. It is considered that the proposals will fragment existing habitats and as such the adverse impacts of the scheme are considered to outweigh any potential benefits that may have arisen with the provision of these units of accommodation.
- 6.9 Officers consider that there are clear policy objections, further that the scheme is considered to fail when tested against the criteria of the adopted policies of the Waveney Local Plan Core Strategy and Development Plan Documents.

7 Neighbour comments

Garden Grabbing

- 7.1 'Garden grabbing' is an incredibly emotive issue and there remains some ambiguity over its designation with urban gardens being classed as 'greenfield' and therefore potentially offered some additional protections, with gardens in the countryside being classed as previously developed brownfield sites. However, exclusions in the 2012 National Planning Policy Framework definition of "previously developed land" include "land in built-up areas such as private residential gardens. It could be contended that the rational explanation for the distinction must be that undeveloped land in urban areas is under more development pressure and so requires greater protection, however this issue remains a rather grey area with planning appeals and case law both taking differing views and therefore it remains up to officers to consider the case on its own merits and the potential impact it may have on the area as a whole.

Precedent and Future Plans

- 7.2 It is not to the point that approval of this proposal may create a significant precedent for the locality. Each planning application must be considered on its own merits, facts and circumstances. It is officer opinion that it would be a mistake to refuse a development application on the basis that to do so would create a precedent for the approval of other development applications in the area, and only if there is merit in approving what is proposed, then it should be approved, and if it is unacceptable then refused without reference to precedent which is not considered a material planning consideration anyway.
- 7.3 Local residents have suggested that should permission be granted then the applicant will seek further development or subdivision of the proposed dwelling into two. Whilst officers

understand these concerns given the previous history of the site, it is not possible to determine what might, or might not, happen in the future and the application has to be determined on the application before you.

Ecology and Wildlife

- 7.4 Ecology and wildlife impacts have been raised as a considerable concerns and the fact that no ecological survey has been submitted addressing any species that may be in the area and that the existing outbuildings are used as bat roosts.
- 7.5 Officers have carried out a desktop assessment as required by Natural England and there are no protected species or habitats that have been defined within this process, and it is unusual for there to be a requirement for an ecological assessment to be carried out on a domestic urban garden.
- 7.6 Nevertheless, it is also obvious that the site is very green and is very close to Gunton Woods and associated ancient woodland and as such it is not contested that there may be more wildlife in this particular area than is usually seen in an urban location such as this.
- 7.7 However the proposed development does not require the removal of any trees or hedges and should bats be found in the outbuildings then these are covered by the NERC Act (Natural Environment and Rural Communities Act 2006) and works should cease immediately and further advice and a license sought from Natural England.

Highways/Access

- 7.8 Access has been mentioned by a number of local residents and that the creation of an access in this location is dangerous, however in the absence of objections from the local highways authority it is clear that the low speeds expected to be generated by this type of access would not significantly impact on the safety of other local residents. Glebe Close does have some obvious issues with regards to 'pinch-points' and the corner close to the junction with Gunton Church Lane, which also gives access to Georgian Grove, is somewhat awkward at busy times, however this is not a planning consideration and regardless, constructors would be expected to be respectful of local residents.

Distance and siting

- 7.9 Comments have been received regarding the distance and siting of the proposed dwelling from adjacent residents and the potential for loss of privacy and overlooking and loss of outlook and views. However whilst there would be some impact on outlook and views and the dwelling would be close the northern boundary (a distance of 1.5 metres) there remains a significant distance between windows of habitable rooms measuring between 30 and 90 metres and this on its own is considered an acceptable distance and the potential impact is not sufficient, in itself, to substantiate a refusal of the dwelling.

Design and scale/dominating and overbearing appearance

- 7.10 The proposed dwelling is very large and is designed to be almost a Z shape to hug around the corners of the site whilst allowing for a significant garden area and parking spaces and it measures 7.6 x 23 metres on the western wing and 23.9 x 12metres on the southern wing and is 5.5 metres in height. In and of itself the proposed dwelling is not of an

unattractive form however it is the roof height that causes a significant amount of concern and will have a considerable impact on the current open vistas when viewed from other dwellings in the area and will constitute an unacceptable visual intrusion into this otherwise verdant area.

- 7.11 The dwelling would be constructed from materials which would be similar to those used on other dwellings nearby. However, whilst this would be acceptable in general it would not, in your officer's opinion, overcome the harm identified with regard to the positioning and space around the proposed dwelling, particularly in reference to the rear boundary and roof height as noted above in paragraph 7.10.

Noise and disturbance

The issue of noise and disturbance has also been raised by local residents and certainly there will be some additional noise during the construction period should members be minded to grant approval for this application, however this could be managed by a Construction Management Plan.

There would also be additional noise generated by the occupants of the dwelling that would be created, however there is no reason to suspect it would be any noisier than any other dwelling in the area, although there would be additional traffic generated which would be potentially harmful to the occupants of No.8 and No. 9 by the passing of traffic close to the existing dwellings.

Loss of view

As members will be well aware there is no legal right to a view in planning and as such is not a material planning consideration. As such limited weight has been given to this objection.

Drainage and water pressure

There have been no objections received from Essex and Suffolk Water and there is sufficient capacity to accommodate an additional dwelling and drainage could be agreed via condition should members feel this development is acceptable, however drainage is principally dealt with via the Building Regulations.

Loss of open space

As the garden is a private space it cannot be classed as open space, however it is appreciated that as all the gardens are very large, many with mature planting, that the erection of a dwelling in this location would erode the general spacious feeling of the area as a whole and there would be a visual intrusion that would give the appearance of loss of visual amenity as a whole.

Previous history

As members will note and recall there is a significant history relating to this site and development which has been generally resisted for a number of reasons including the

character of the area, inappropriate design, impact on the amenities of adjacent residents and overdevelopment.

8 CONCLUSION

8.1 Notwithstanding the above policy implications it should be noted that a previous application for two bungalows on the site was refused for the following reasons:

1. The proposal is backland development and is undesirable because of the inadequate access and of the adverse effect on the occupiers of neighbouring property.
2. The proposed access would unacceptably intrude upon the residential amenities of No's 8 and 9 Glebe Close through increased noise and disturbance. The proposed access is not of sufficient width to enable two vehicles to meet and pass, and may result in vehicles waiting or reversing on Glebe Close.
3. The proposal is injurious to the special character of this low density suburban area. The proposal if approved would set a dangerous and irresistible precedent for further development throughout this area to the detriment of the character and amenities of the neighbourhood.

8.2 Having considered the above and despite the comments of Suffolk County Highways, there are concerns regarding the proposed access, which would require the demolition of part of the existing dwelling to afford sufficient space for a car to access the rear of the site. In addition there would be an intrusion on the residential amenities of adjacent residents and the character of the area as a whole and would remain injurious to the low density and special character of this area as a whole.

8.3 The wider concerns of those making representations has been noted (4.1 & 4.2), those concerns are considered to be both material and valid, they carry significant weight have been a guiding factor in officers reaching the decision outlined below.

8.4 It is obvious that the applicant has made attempts to change the siting, scale an design of the proposed dwelling, that is subject to this application, however the submitted dwelling does exceed the tolerance of the site and it is the overall scale, design and resultant impact on the spacious character of the area that deems this application unacceptable.

8.5 The area as a whole is low density with dwellings situated within very generous gardens and creates a very unusual and attractive feature within this urban area, and the loss of the garden would eradicate the original vision and ethos of the built form in this particular area, which is in relatively high demand.

8.6 There remain concerns with the proposed access, the impact on local residents and the lack of consideration given to the ecology of the area, which is in close proximity to woodlands and possible fragmentation of valuable habitats.

8.7 In addition, as outlined in paragraph 8, points 1, 2 and 3, an earlier application was refused for the erection of two dwellings and it is considered that the potential erection of three dwellings would further exacerbate the concerns and subsequent reasons for refusal outlined above.

8.8 As such it remains officer option that the development would be injurious to the amenities and general characteristics of the area and any potential benefit that may have been generated by the provision of three smaller dwellings are not sufficient to outweigh the harm that would be caused should permission be granted.

8.9 Nevertheless despite the issues noted above, this application is finely balanced however it is officer opinion that the proposed development would erode the spacious character of the area and would result in a form of development which due to its lack of a street frontage would be inharmonious with the prevailing formal layout of development in the surrounding area. Thus, it would harm the character and appearance of the area and is considered contrary to policy DM02 of the Waveney District Council Development Management Policies Development Plan Document (2011) which seeks to ensure new development is sympathetic to the site and its surroundings. The proposal is also in conflict with the good design aims of the National Planning Policy Framework (the Framework).

9 RECOMMENDATION

9.1 Therefore for the reasons noted above, it is considered that the proposed development is contrary to policy and goes against the principles of good planning and is therefore recommended for refusal.

10 REASON FOR REFUSAL

10.1 This proposal represents overdevelopment of the site, both with regard to the area of open garden land available within the proposal site to serve the amenity needs of the larger dwelling created and the area of garden retained for the existing dwelling. The proposal will have adverse impact on neighbours by virtue of the scale and massing of the dwelling created. There is also considered to be noise and disturbance to residents of the existing dwelling on the site, from traffic passing and repassing on the driveway to the larger property to the rear. These amenity shortcomings conflict with policy DM02 design of the Adopted Waveney Development Management Policy where amenity for existing and proposed dwellings shall be sufficient for the needs of those dwellings.

BACKGROUND INFORMATION:

See application ref: DC/18/0862/FUL at www.eastsuffolk.gov.uk/public-access

CONTACT

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