

PLANNING COMMITTEE - 13 November 2018

APPLICATION NO DC/18/3020/VOC

LOCATION

243 Long Road
Lowestoft
Suffolk
NR33 9DF

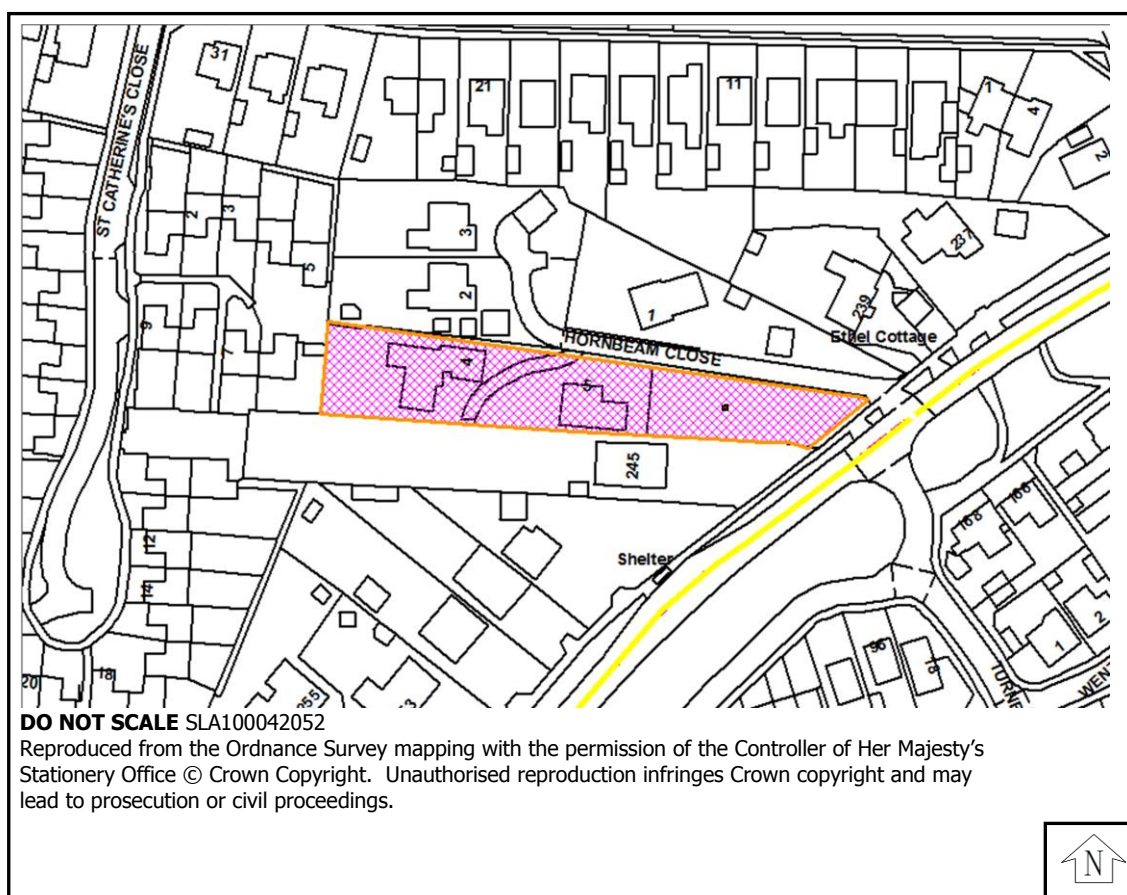
EXPIRY DATE 16 September 2018

APPLICATION TYPE Variation of Conditions

APPLICANT Mr & Mrs Sinclair

PARISH Lowestoft

PROPOSAL Variation of Condition No.2 of DC/10/0003/FUL - Construction of three no. detached houses - Alteration to the design and siting of Plot 1. This is required as the client has altered his mind in connection with the original design and layout. Development to be carried out in accordance with the revised plans



1 SUMMARY

- 1.1 Planning permission is sought for the erection of a four bedroom, one and half storey dwelling.

2 SITE DESCRIPTION

- 2.1 The site is located within the Physical Limits of Lowestoft. The site has permission, granted under application DC/10/0003/FUL, for the construction of three dwellings, ranging from two storey to one and half stories. The properties on Plots 2 and 3 have been constructed, with Plot 1 remaining unbuilt.
- 2.2 The site fronts onto Long Road to the East, and is bounded by Hornbeam Close to the north, the property of plot 2 to the west, and no. 245 Long Road to the south.

3 PROPOSAL

- 3.1 Permission is sought to vary Condition 2 of the consent gained under DC/10/0003/FUL, to allow alterations to the design and siting of dwelling on Plot 1.
- 3.2 The variations include:
- Increasing ridge height of the dwelling from 7m to 8.15m, and the eaves height from 2.35m to 3.35m.
 - Increasing the width of the proposed dwelling from 9.35m to 9.85m, and the depth (not attached including garage) from 9.5m to 10m.
 - Increasing the distance to the boundary with no.245 (not including garage), from approx. 1m to approx. 2.35m
 - Increase the size of the attached garage from single bay, to double bay, and reposition it to the boundary with no.245.

4 CONSULTATIONS/COMMENTS

4.1 Neighbour consultation/representations

Two letters of objection have been received raising the following matters:

- Scale is overbearing to the area
- Size is not in keeping with surrounding area
- Overlooking and loss of privacy to no. 245
- Garage wall on boundary with neighbouring property, and access difficulties during construction
- Overhanging of no.245
- Incorrect plotting of property built on plot 2
- Issues relating to construction of plot 2
- Contrary to policy

4.2 Parish/Town Council Comments

The Planning Committee of Lowestoft Town Council considered this application at a meeting on 7 August 2018. It was agreed to recommend refusal of the application. The Committee were in agreement that the garage and its decreased size is not fit for purpose, does not comply with the recommendations of the Highways Authority and the revised

siting of the proposed development on the plot is not in keeping with the street scene. The Committee remains content to support the original application as previously approved.

4.3 **Peter Aldous – Member of Parliament for Waveney**

Letter received advising that the relatives of the owner of no.245 had attended one of their surgery's to explain their concerns. In the letter it is stated that "I can understand the Family's concerns with these proposal, as they will impact on Mrs Dye's quiet enjoyment of her property as well as its residential amenities. Moreover it would appear that the plans are not accurate in that they may well include Mrs's property in the planning application site.

Consultees responses can be viewed in full on the Council's website

4.4 **WDC Head of Environmental Health:** No comments to make

4.5 **Essex and Suffolk Water PLC :** No objection

4.6 **Waveney Norse - Property and Facilities :** No comments received

4.7 **Suffolk County Highways Authority :** The proposed garage has a internal depth of 5.3 metres, measurements taken from DWG No 572/6 .SGP (2014) states that 'For a garage (or car port) to be counted as an allocated space they must meet the minimum dimension requirements: 7.0m x 3.0m (internal dimension) with clear doorway minimum 2.4m wide'. However, 'reduced minimum internal garage dimensions of 6.0m x 3.0m (internal dimension) will be deemed to count as a parking space provided that additional fixed enclosed storage of minimum size 3m² is provided.

4.8 **Environment Agency - Drainage :** No objection

4.9 **Suffolk Fire and Rescue Service :** No comments received

5 **SITE NOTICES**

The following site notices have been displayed:

General Site Notice	Reason for site notice: New Dwelling, Date posted 08.08.2018 Expiry date 30.08.2018
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6 **RELATED APPLICATIONS**

Reference No	Proposal	Decision	Date
DC/10/0003/FUL	Construction of 3no. detached houses	Application Permitted	12.08.2010
DC/11/0846/VOC	Variation of Condition 2 of DC/10/0003/FUL - to allow the construction and occupation of dwellings on an individual basis.	Application Permitted	19.09.2011
DC/11/1106/FUL	Construction of a detached house with integral garage	Application Permitted	12.12.2011

DC/12/0367/DRC	Discharge of Condition Nos. 3, 4, 5, 6 & 9 of DC/11/1106/FUL - Construction of a detached house with integral garage - sample of materials, soft landscaping details and contaminated land remediation details	Application Permitted	22.05.2012
DC/13/0543/VOC	Variation of Condition No.2 of DC/10/0003/FUL - Construction of 3no houses - Relocate the position of the plot 2 and hand it to maximize the westerly aspect of the plot via solar gains. Provide an altered access into the plot not from Hornbeam Close	Application Permitted	03.07.2013
DC/14/1773/VOC	Variation of Condition no.2 of DC/13/0543/VOC - Amendment to previously approved plans to include first floor bedroom window in east elevation and section of 2.4 metre high fence on southern boundary	Application Permitted	10.06.2015
DC/14/2336/DRC	Discharge of Condition Nos. 3, 4, 5, 10, 11 & 12 of DC/10/0003/FUL - Construction of 3 no. detached houses - Details of Materials, Landscaping Scheme, Hedge Retention, Details of storage of refuse bins, Contaminated Land and Remediation Scheme	Application Permitted	17.08.2015

7 PLANNING POLICY

7.1 Section 38(6) of the planning and compensation act 1990

7.2 The National Planning Policy Framework (2018) and National Planning Policy Guidance (NPPG) forms a material consideration in the determination of this application in particular those areas of guidance relating to the location of town centre uses.

7.3 The Waveney Core Strategy was adopted in 2009 and contains the following policies of relevance to the determination of this application:

- CS01 sets the Spatial Strategy for the District;
- CS02, requires development to be of High Quality and Sustainable Design;

7.4 The Waveney Development Management Policies Document was adopted in 2011 and contains the following policies of relevance to the determination of this application:

- DM01, deals with development within the physical Development Limits;
- DM02, sets out the Council's Design Principles for new development;

8 PLANNING CONSIDERATIONS

8.1 The key considerations in the determination of this application are:

- Principle of development;
- Design and appearance considerations;

- The impact of the proposed development upon the amenity of adjacent and future occupants and users;
- Transport and access;
- Other matters

Principle of Development

- 8.2 The site is located within the physical limits for Lowestoft, and as such the principle of development is considered acceptable, subject to its adherence to the other relevant planning policies set out in the Local Core Strategy, Development Management Policies Document and the NPPF.
- 8.3 In addition, the site benefits from an implemented planning permission, DC/10/0003/FUL, which granted consent for 3no. dwelling on the site. Plots 2 and 3 of that permission have been constructed, and as such the permission for plot 1 still remains live. The planning permission for plot 1 granted consent for a one and half storey dwelling, measuring 7m in height, with a footprint of approx. 80sqm (not including garage).
- 8.4 Given the above points it is considered that the principle of amending the design of the dwelling on plot is acceptable, subject to its impact on the street scene, amenity of neighbours and highways impact being assessed.

Design and appearance considerations

- 8.5 Policy DM02 states that proposed development should seek to *“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”*.
- 8.6 Planning permission has previously been granted for a one and half storey dwelling on the plot. This application seeks to amend the design of the approved dwelling by increasing the height of the dwelling by 1.15m, the eaves height by 1m, and the footprint by approx. 8sqm. The proposed amendments also seek to marginally move the main body of the dwelling back from the road by approx. 1m.
- 8.7 The street is characterised by a mixture of dwelling sizes and designs. The immediate neighbouring property to the south-west is a single storey dwelling, to the north-east is a one and half storey dwelling, and to the west, behind the proposed dwelling, is a one and half storey dwelling.
- 8.8 Given the varied nature of the street and the extant planning permission, it is not considered that the increased footprint or height of the dwelling would result in an adverse impact on the street scene.
- 8.9 The proposal also seeks to increase the existing single bay garage to a two bay garage, and reposition it along the southern boundary. The proposed garage will be no further forward than the originally approved single bay garage. However, given its repositioning it will be approx. 8m closer to the highway. The decrease in distance to the front boundary will result in some additional negative impact on the street scene, as it would erode some of the open aspect to the front of the properties along Long Road. However, there are

examples of garages at a similar distance to the highway, such as at no.239, albeit that is a detached garage.

- 8.10 Therefore it is considered that on balance, the additional impact that the proposed alterations would have on the character and appearance of the street scene would not be adverse enough to warrant refusal of this application.

The impact of the proposed development upon the amenity of adjacent and future occupants and users

- 8.11 Policy DM02 also states that proposed development should seek 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*”
- 8.12 The proposed alterations seek to increase the height of the proposed dwelling from 7m to 8.15m, and increase the distance of the dwelling from the southern boundary by around 1m. The proposed dwelling would be located approx. 0.75m closer to the neighbouring property of no. 245. Given the increased height of the dwelling, and decreased distance to the neighbouring property, it is likely that some additional loss of light may occur to the neighbouring property of no.245. However, given the tracking of the sun from east to west, it is unlikely that the proposed amendments would result in a marked decrease in direct light to the neighbouring property which would adverse impact on the amenity of residents.
- 8.13 The increased height and amended distance to the neighbouring property is also not considered to result in a marked impact on the outlook from the neighbouring property of no.245 when compared to what has previously been approved.
- 8.14 Concerns in regards to loss of privacy have been raised by neighbouring residents. The proposed windows to the rear of the property are at a similar height to those approved under the original application. Therefore whilst the property is marginally closer to the neighbouring property of no.245, it is not considered that this would result in any marked increase in overlooking compared to what has previously been approved.
- 8.15 Whilst some additional impact on amenity may arise as a result of the proposed amendments, it is considered that on balance the proposed alterations would not result in an adverse impact on the amenity of neighbouring residents.

Transport and access

- 8.16 Suffolk County Councils Highway Officer’s have advised that the parking spaces contained within the double garage do not conform to the space requirements of the SCC parking standards guidelines, and as such can not be considered as parking spaces. Whilst this is the case, the agent has supplied drawings that 3no. spaces can be provided on site, with sufficient manoeuvring space to allow the vehicles to enter the highway in a forward gear. Therefore, the proposal provides a sufficient level of on-site parking, and is not considered to have any adverse impact on highway safety.

Other matters

- 8.17 Concerns have been raised in regards to ownership of land and potential overhanging. Matters of land ownership are not a material planning consideration, however, from the information that has been submitted as part of this application it would appear that the proposal is fully within the red line which dictates that applicant's ownership. If any part of the proposal is built upon land or overhangs land that it not owned by the applicant, then this would be a civil matter outside of the control of planning.
- 8.18 Concerns have also been raised in regards to the incorrect plotting of the property on plot 2, on the plan originally submitted as part of this application. An amended plan has been received which shows the correct position of the property built on plot 2 under application.

9 CONCLUSION

- 9.1 In conclusion, it is considered that on balance the proposal for amendments to the design of the dwelling on plot 1 agreed under application DC/10/0003/FUL, is acceptable and therefore it is recommended that planning permission for the variation of condition be granted.

10 RECOMMENDATION

- 10.1 It is recommended that permission be granted subject to the following conditions;
1. The dwelling on plot 1, hereby approved, shall not be brought into use until it has been completed in all respects strictly in accordance with;
- Proposed plans, 572/6 Rev B, received 17/10/2018,
for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.
 2. Samples of external facing and roofing materials for each plot shall be submitted to and approved by the Local Planning Authority before their first use on site. Development shall be carried out in accordance with the approved samples.

Reason: To ensure the satisfactory external appearance of the development.
 3. In accordance with advice set out in British Standard BS 5837-2005, Trees in relation to construction. The hedge along the northern boundary of the site shall be retained, and prior to the construction above foundations of the approved dwelling on plot 1, details of both hard and soft landscape works for that plot have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to occupation of the dwelling. These details shall include proposed means of enclosure and hard surfacing materials. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass

establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

4. The velux windows on the rear elevation at first floor level on the proposed dwelling on plot two shall be glazed with opaque glass and shall be limited to opening not more than 100mm and shall be retained in that condition

Reason: To preserve the amenity of adjacent property.

5. The bathroom window on the north elevation at first floor level of the proposed dwelling on plot three shall be glazed with opaque glass and shall be retained in that condition

Reason: To preserve the amenity of adjacent property.

6. The vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 572/6 Rev B and made available for use prior to the occupation of the properties hereby approved. It shall thereafter be retained in its approved form.

Reason: To ensure that the layout of the access is properly designed and constructed before the development commences and is brought into use before the occupation of the property in the interests of highway safety.

7. A dwelling shall not be occupied until the area within the site shown on drawing no. 572/6 Rev B for the purposes of manoeuvring and parking of vehicles for that dwelling has been provided and thereafter it 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no alteration or extension shall be carried out at first floor level, or higher, to any dwelling hereby permitted which materially affects the amenities of surrounding dwellings, unless the prior written consent of the Local Planning Authority has been obtained.

Reason: To safeguard the amenity of nearby properties.

9. The first floor bedroom window of plot 2 on the east-facing side elevation shall be obscure glazed in the southern casement (when divided vertically in two) and shall be limited to opening not more than 45 degrees. The precise details of the obscure glazing shall be submitted and agreed in writing by the District Council with 28 days

of the grant of planning permission. The obscure glazing shall then be inserted within 14 days of any written approval and shall thereafter be retained. The northern casement shall be fixed shut. The window shall be retained in this condition.

Reason: To prevent overlooking of the neighbouring property.

11 ADDITIONAL NOTES

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

BACKGROUND INFORMATION: See application ref: DC/18/3020/VOC at www.eastsuffolk.gov.uk/public-access

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