

LONG MELFORD – WESTGATE PARK, WESTGATE STREET

Erection of garage with storage loft, and retention of stable block, tack rooms and rest room.

Applicant: Mr J Tanner

Case Officer: Mrs C Thurlow

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**BACKGROUND**

**This application has been referred to the Development Committee at the request of the Ward Member and was subject to a site inspection by a Panel of Members on 15 August 2007. The application was subsequently presented to Development Committee for determination on the 5 September 2007 (Paper G89 Item 20) but was deferred to enable a report to be undertaken on the impact of the development upon the existing trees.**

**THE SITE**

1. The application site is situated on the northern side of Westgate Street, Long Melford. It is occupied by a recently extended dwelling that is set back from the road behind a substantial wall. To the rear of the property there is a formal garden, horse excising area, and car park in addition to a two-storey outbuilding.
2. The application site is bounded to the west by a substantial brick wall that separates Westgate Park from Westgate House, and to the east there is a further substantial wall that separates the property from Thatched House. The remainder of the eastern boundary which is on a higher part of the application site is defined by ranch style fencing.
3. The application site is situated within the Long Melford Conservation Area. Westgate House is a Grade II Listed Building. Public Footpath No. 25 passes to the east of the application site and around the site of the proposed garage before following a route to the north.

**THE APPLICATION**

4. The planning application provides for the retention of a stable block and tack room to the north west of the existing dwelling and the construction of a triple garage with storage loft above to the north east of the dwelling. The stable block and rest room is constructed of red brick and has a tile roof. It has an overall length of 31.8 metres, a maximum depth of 7.2 metres and a maximum height of 4.8 metres. The proposed garage is to be constructed with buff brickwork to match the dwelling and would have a slate roof. The proposed garage would measure 13.5 metres by 8 metres and have an overall height of 6.8metres.

5. The applicant has submitted a report by Haydens in respect of the impact of the development upon the nearby trees. This report can be seen in its entirety by arrangement with the Case Officer; in summary its key conclusions and recommendations as reproduced below:-
- The recent development works will have had a detrimental affect upon the trees due to root severance and compaction.
  - With regards the Ash, it is recommended that this is felled irrespective of the recent development works. The tree has clearly been in decline for a number of years with a large amount of dead wood and dieback with the upper crown. The tree clearly has a limited safe useful life expectancy and should be removed and replaced as soon as possible to maintain the long term tree cover within the conservation area.
  - The Oak appears to be in good condition, with only minor dead wood and no evidence of fungal pathogens. The potential damage to the tree due to recent development works could take up to 5 years to manifest itself. Given this is it recommended that the tree is inspected every 6 months for the next 5 years to monitor the tree's general health and safety.
  - Should the Oak tree start of show signs of decline, this will then trigger a program of remedial root work, including decompaction and root feeding to re-establish the roof shoot ratio and enhance the tree's vigour.
  - Regarding the 4 other trees close to the new stable block (2 Holly, 1 Yew and 1 Laurel), again whilst it is clear that some root disturbance/damage will have occurred to these trees, at present there is no sign of decline evident. However, as with the Oak it is proposed that these trees are monitored regularly to assess the affect of the development and if any decline becomes apparent remedial works to the roots will be undertaken.
  - The tree surgery works proposed as part of the survey are recommended to mitigate any identified problems that may be caused by trees In close proximity to the proposed development. To this end, should these recommendations be overrules, this survey stands as the opinion of Hayden's Arboricultural Consultants and therefore any damage or injury caused by trees recommended by this practice for felling or tree surgery works, to which the proposed schedule of works has been altered or the tree has been requested to be retained by the Local Planning Authority, cannot be the responsibility of this practice. Given the lack of information with regards the excavation works or associated root damage, Hayden's will not be held liable for the future possible failure of the tree due to root damage.

### PLANNING HISTORY

6. 1993 - Planning permission granted for the retention of entrance walls and gates and an exercise ring (B/83/0324/FUL)
7. 1997 - Planning permission granted for the erection of a four port cart port shed with two flats over for staff (B/97/00500/FUL).
8. 1998 - Planning permission granted for the retention of works in connection with the creation of a horse exercise surfaced area (B/98/01311/FUL).
9. 1999 – Planning permission granted for the erection of a stable with store over (B/99/0103/FUL).

10. 2002 - Planning permission granted for the erection of a stable block (B/02/00789/FUL)
11. 2004 – Planning permission granted for the conversion of the stable building to a dwelling (B/04/02065/FUL)
12. 2005 - Planning permission granted for the construction of new vehicular access (B/05/00597/FUL).
13. 2006 – Planning permission granted for conversion of stable building into dwelling and construction of two-storey side and front extensions (B/06/00018/FUL).

#### NATIONAL GUIDANCE

14. **PPS1** - “Delivering Sustainable Development” (2005) sets out overarching policies on the delivery of sustainable development through the operation of the planning system and contains advice on design considerations.
15. **PPG15** - “Planning and the Historic Environment” (1994) provides advice on development in Conservation Areas and that involving Listed Buildings.

#### PLANNING POLICIES

16. The Suffolk Structure Plan (2001) contains the following policies that are applicable to the proposal:
  - ENV1 – Conservation Areas and Listed Buildings
  - ENV3 – Design
17. The Babergh Local Plan Alteration No. 2 (2006) contains the following policies that are applicable to the proposal:
  - HS33 – Extensions to dwellings
  - CN01 – Design considerations
  - CN08 – Development within Conservation Areas
  - TP02 – Public rights of way
  - CN06 – Development within the Setting of a Listed Building.

**Please note that details or extracts of policies are no longer included in reports – see page 4 of these papers.**

#### CONSULTATIONS

18. Long Melford Parish Council: No Objection, subject to no obstruction of the public footpath.
19. Local Highway Authority: No objection subject to the imposition of a condition to control the use of the development and the provision parking, turning, loading and unloading of vehicles.
20. Third Party Representations: Letters of objection received. In summary the comments are that the stable block would be detrimental to the residential amenities of the adjoining property, it would be visually intrusive and give rise to problems of noise and smell, it would be located beyond the built-up boundary defined for Long

Melford and would compromise the character of the Conservation Area. In addition concern has been expressed about unauthorised development activities elsewhere on the site. One anonymous letter received. This expresses concerns that the development has already commenced with disregard for the planning system.

21. Countryside Access – Suffolk County Council: No objectors.
22. Footpath Officer – (BDC) – it is noted that the eastern end of the gauge block is in close proximity to the new line of the path. Because of the application for diversion proposals, the applicant should be fully aware of the position of the path. The route should however remain open, unobstructed and for the usage by the public.

#### PLANNING CONSIDERATIONS

23. The planning application provides for the retention of an existing stable block and the construction of a new triple garage with storage loft above. The issues to be determined are whether the proposals would:
  - have an adverse impact upon the character and appearance of the Long Melford Conservation Area,
  - impact upon the setting of the adjacent Listed Building,
  - affect the amenities of the adjoining residential properties,
  - harm trees of importance located within the Conservation Area, and,
  - obstruct the public right of way adjoining the site.
24. While the construction of the stable block in advance of the formal consideration of this application is not condoned, the building has been designed and constructed to respect its setting and that Westgate House (being adjacent but beneath the top of the new 3 metre back wall separating both properties). The stable building is also not visible from the main road. Only limited views of the building are obtained from the public footpath (No. 25) that passes through the application site and the impact of the proposal upon the amenities of the Conservation Area at this point are not discernible. No obvious conflict therefore exists with the provisions of Structure Plan Policy ENV1 and Local Plan Policies CN06 and CNO8, which seek to protect the character of the Conservation Areas to the settings of Listed Buildings. Furthermore, this aspect of the proposal accords with Structure Plan Policy ENV3 and Local Plan Policy CNO1 in relation to design, and would not conflict with Local Plan Policy HS33.
25. Representations have been received from an interested third party that the building is visually intrusive. The roof of the stable block is, however, below the level of the coping stones to the substantial well on the western boundary of the site. Although the stable block would appear to extend into an area of the application site that lies beyond the built-up area defined for Long Melford by the Local Plan, it is located within an area that is occupied by another building. As a result the development forms an integral part of the existing building complex.
26. Concern has also been expressed that the location of the stable block, in close proximity to the adjoining property, will give rise to problems of noise and smell. The objector's concerns in relation to noise are not clear, but it should be noted that the stable block has been designed with three stalls and two tack rooms. Subject to the use of appropriate planning conditions in relation to the disposal of waste, the possibility of a smell nuisance can be overcome.

27. The proposed garage block would be located to the north-east of the existing dwelling and views from the main road would be partially obscured by the presence of the existing boundary wall and the substantial conifer trees that exist along the eastern boundary. It would in any event be seen against the backdrop of an earth embankment to the rear. While more extensive views would be obtained from the public footpath as it passes through the site, these views are contained by the presence of an earth embankment to the east. This aspect of the proposal would therefore have a negligible impact upon the character and appearance of the Long Melford Conservation Area at this point. As a result this aspect of the proposal would accord with the requirements of Structure Plan Policy ENV1 and Local Plan Policy CN08.
28. The proposed garage has been designed to respect the character and appearance of the adjoining dwelling and does not give rise to any particular issues. It would be constructed of similar materials and the architectural detailing is acceptable. This aspect of the proposal therefore satisfies the requirements of Structure Plan Policy ENV3 and Local Plan Policies HS33 and CN01.
29. The proposed garage would be sited to the west and south of the public footpath that passes through the application site. As such the route of the footpath is unaffected by the proposed development. Consequently no obvious conflict would exist with the provisions of Local Plan Policy TP02. An informative note should, however, be attached to any permission to inform the applicant that it is an offence to obstruct a public right of way.
30. With regard to the impact of this development upon existing trees, which are located within the Conservation Area and thereby afforded statutory protection (i.e. notification to the Council is required in respect of lopping, topping and felling of healthy trees over prescribed sizes), it is considered that the proposed garage will not adversely impact upon any existing trees on the site. Conifers are adjacent but there is sufficient distance between the site of the garage and the conifers to ensure no harm would result. This, however, is not the case in respect of the stable block that has been constructed.
31. The Council's Arboriculturist has visited the site and Officers have assessed the content of the applicants arboricultural report from Haydens. The conclusions are as follows:
  - (i) it is clear that changes in levels have occurred around the trees in the vicinity of the stable block. According to the applicant there were "undulating" and are now in some places uniform.
  - (ii) four principal trees are affected. A Holly and Yew have been retained in close proximity to the stable building but are of insufficient amenity value to warrant for statutory protection by a Tree Preservation Order should the development be a proposal for works rather than for retention. The Ash is of declining condition unrelated to the construction work and would be considered for removal when an appropriate formal notification is received. However, the fourth Oak tree is a maturing specimen and is considered of good form and condition. It's health has been compromised by the recent construction works and further investigation would be required to establish to what degree. The severe nature of alteration to its rooting system may also mean that the tree is now unsafe. However, as the works have already occurred these concerns must form part of a separate enforcement investigation regarding the impact of works to trees in the Conservation Area. As the work and any consequent damage have already

occurred it is not considered that this separate enforcement investigation should prevent the determination of this application. There is ample opportunity within the application site for appropriate screening of the building should replanting of the Oak or other trees be required.

32. While representations have been made about other unauthorised development on the site (i.e. a storage building), the issues raised are also a matter for separate consideration. Retrospective planning and listed building applications have been submitted and these will need to be determined upon their individual merits in due course.
33. In the light of national guidance, Development Plan policies and other material considerations, the planning application should be approved as submitted.

#### REASON FOR APPROVAL

The proposed development would not have an adverse impact upon the character and appearance of the Long Melford Conservation Area or setting of the Listed Building notwithstanding any damage to nearby trees also located within the Conservation Area or give rise to the creation of conditions that are detrimental to the amenities of the locality or users of the public right of way. The proposed development is therefore in accordance with the provisions of Structure Plan Policies ENV1 and ENV3 and Local Plan Policies HS33, CNO1, CN06, CNO8 and TPO2.

#### RECOMMENDATION

Approve subject to the imposition of conditions to include the following:

- Standard Time Limit Condition
- Materials
- Storage of waste
- No burning of waste on site
- Parking, turning, loading and unloading.

Note to applicant in relation to public footpath.

#### DECISION

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