

Parish: CAPEL ST. MARY

Location: Orchard House, 138 The Street

Proposal: Erection of first floor extension over garage to provide annexe

Applicant: Mr and Mrs Hearne

Case Officer: Chris Tivey

Date for Determination: 25.04.08

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**This application is referred to Committee at the request of the Ward Member. A panel of Members visited the site on 9 April 2008 to assess the impact of the proposals upon neighbouring properties.**

#### **SITE**

1. The application site comprises a new detached two storey dwelling that is currently under construction.
2. The site originally formed part of the garden of Church Cottage, a listed building situated immediately to the east. The site slopes upwards from south to north with the dwelling and its detached garage on land which is approximately 3m higher than the adjoining highway.
3. To the west of the application site and situated close to its rear boundary is 140 Church Street which is a detached two storey house from the 1960/70s. This is on slightly higher ground again, around 1m higher than the finished floor level of Orchard House.

#### **PROPOSAL**

4. Planning permission is sought to create habitable accommodation in the form of a one bedroom annexe over the approved detached garage.
5. The ridge line of this garage building would be raised by approximately 2m over that approved and two dormer windows would be inserted into the front (south facing) roof slope. A single rooflight would be provided to give natural illumination to a shower room/WC at the rear and access would be afforded by an external staircase into a door on the eastern flank elevation facing into the site.
6. Materials proposed would be similar to the approved scheme.

#### **RELEVANT HISTORY**

7. B/06/01081 – erection of 1no. detached two storey dwelling and detached double garage – Withdrawn 15.01.07
8. B/06/2083 – erection of two storey dwelling with detached double garage – Refused 19.03.07
9. B/07/00764 – erection of detached two storey dwelling and detached garage – Planning permission granted 20.07.07

## **NATIONAL GUIDANCE**

10. **PPS1** - Delivering Sustainable Development  
**PPS3** - Housing

## **PLANNING POLICIES**

11. The following Development Plan Policies are applicable to this proposal:

### **Babergh Local Plan Alteration Number 2 (2006)**

- **HS02** - (Villages)
- **HS33** - (Extensions)
- **HS35** - (Residential Annexes)
- **CN01** - (Design Standards)
- **CN06** - (Listed Buildings)

**This report only includes policy references. For further details please see Page 4.**

## **OBSERVATIONS**

12. PC – Object. They consider the proposed would lead to overdevelopment of the site, loss of visual amenity and have an adverse impact on the street scene. They consider that it would not be sympathetic to the area.
13. Suffolk Wildlife Trust – the proposal does not appear to have any impact upon protected species or designated habitats or Suffolk Bio-diversity Action Plan Habitats or Species.

## **REPRESENTATIONS**

14. Three letters of representation have been received. In summary comments have been made in connection with the impact of the extension upon the character of the area leading to overdevelopment of the site and loss of a sense of openness.

## **PLANNING CONSIDERATIONS**

15. The application site comprises a dwelling and garage that is currently under construction and previously fell within the curtilage of a listed building. The annexe would be over the approved single storey garage and being on the side furthest away from the listed building, it would not be detrimental to its setting so as to cause conflict with Policy CN06 of the Local Plan.
16. Of particular pertinence to this proposal is Policy HS35 which states that self contained annexes to existing dwellings will be permitted in the form of extensions which should be considered against Policy HS33. There are then three criteria set out which will be discussed below. The second paragraph of Policy HS35 states that proposals for an annexe in the form of a free-standing building will only be considered where it can be demonstrated satisfactorily that an annexe cannot be provided in the form of an extension.
17. Officers are of the view that due to the significant difference in levels and a restricted terraced area between the dwelling and an embankment that leads up to the rear garden boundary that it would be very difficult to extend the property further. Therefore, the applicant proposes to make best use of the footprint of the approved garage and for the purposes of satisfying Policy HS35 it is accepted that an annexe could not be provided satisfactorily in the form of a conventional extension attached to the building.

18. Pursuant to the criteria set out within Policy HS35, the application states that the annexe would give accommodation to an elderly parent of the applicants. The two buildings (the main house and the annexe) are so closely related that it would make it difficult to occupy as an independent unit of residential accommodation and therefore would fulfil both the functional and physical legal tests as set out in planning case law.
19. Whilst there is an increase in the ridge height of approximately 2m, this is not considered unacceptable and a degree of subordination to the main dwelling would remain. Whilst the annexe would be situated forward of the neighbouring property (140 Church Street) the proposal, in the view of Officers, would not give rise to demonstrable harm that could substantiate a reason for refusal. Combined with the fact that the annexe would be set 3.75m behind the front elevation of Orchard House and 16.5m from the carriageway edge, it would not create an incongruous feature in the street scene.

### **REASON FOR APPROVAL**

20. The proposed annexe over the garage to Orchard House would comply with the requirements of Policy HS35 concerning residential annexes and would protect the amenities of adjoining neighbours and the character of the street scene pursuant to Policies HS02 and CN01 of the Babergh District Local Plan Alteration Number 2 (2006).

### **RECOMMENDATION**

21. Grant planning permission subject to the following conditions:
  - Removal of Permitted Development Rights for the insertion of further windows.
  - Annexe accommodation only