

LEAVENHEATH – PART SIDE GARDEN OF TYNWALD, EDIES LANE

Erection of 1 No. 1 ½ storey dwelling and detached double garage. Alterations to existing vehicular access and provision of car parking.

Applicant: Mr & Mrs B Mann

Case Officer: Martyn Fulcher

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SITE

1. The character of Edies Lane for the most part is frontage development and primarily consists of 1950's to 1960's bungalows. The site is located at the end of the lane, within what is currently utilised as garden area associated with the property known as 'Tynwald', a two-storey detached dwelling. The application site forms an irregular shaped parcel of land and encompasses a total area of 0.11 hectares. The site measures approximately 50.0m in depth with a frontage area of some 14.0 metres, widening to a maximum width of 25.0 metres. Part of the application falls outside of the defined built up area for the village

PROPOSAL

2. See report heading. The proposed 1 ½ storey dwelling aligns with the frontage of 'Tynwald' site and provides the following accommodation at ground floor level:
  - Kitchen, utility room, lounge, dining hall, 1 no. bedroom (with en-suite facility), W.C and hall area.
3. The following accommodation is provided within the roof space:
  - 2 no. bedrooms (one with dressing room and en-suite facilities) and storage area.
4. The dwelling has an overall gross internal floor area of approximately 175 square metres.
5. The dwelling has a maximum ridge height of approximately 6.2 metres, an overall maximum depth of 16.7 metres and a width of approximately 11.7 metres.
6. Car parking is to be provided to the front and rear of the property with new parking provision for 'Tynwald' being made to the NW side of the property.
7. It is proposed to construct the dwelling of painted render over a red brick plinth to the external walls with black-stained weatherboarding to the front projection and weathered orange clay pantiles to the roof.

8. The applicant has submitted a letter in support of the application. The following comprises a summary of the points raised: -
- Revised application incorporates changes necessary to overcome the previous concerns;
  - New dwelling would now line through on the same building line and orientation as ‘Tynwald’;
  - A short new driveway with parking spaces for ‘Tynwald’ is now proposed on the NW side of the existing house. A *Grampian* condition can be imposed on any planning permission preventing the development from proceeding until this alternative parking has been provided; and
  - Buildings to rear of ‘Tynwald’ would remain within the grounds of that property and would continue to be used for domestic purposes as they have been since 1991.

### RELEVANT HISTORY

9. 1972 – Outline planning permission refused for the erection of a dwelling - S/72/650/M.
10. 1979 – Outline planning permission refused for the erection of a bungalow - B/79/1023/OUT.
11. 1980 – Outline planning permission refused for the erection of a bungalow and construction of new vehicular access to serve ‘Tynwald’ - B/80/85/OUT. Appeal dismissed.
12. 2005 – Planning permission refused for the erection of 1 no. 1 ½ storey dwelling and detached double garage and alterations to existing vehicular access (B/05/00823/FUL refers). Please see the stated reasons for refusal detailed below:

*“The Local Planning Authority is of the opinion that the proposal represents an unacceptable form of development in so far as it would result in a contrived form of development, out of character with the existing pattern and spacing of development in this part of Leavenheath, by virtue of its siting and orientation and resultant relationship with the host property. It is the Local Planning Authority's opinion that the development, if approved, would result in serious harm to visual amenity and to the character and appearance of the locality and to the amenities currently enjoyed by the host property, contrary to the aforementioned policies”.*

### POLICY

#### **PPG3 (Housing)**

13. Good design and layout of new development can help to achieve the Government's objectives of making the best use of previously-developed land and improving the quality and attractiveness of residential areas. In seeking to achieve these objectives, local planning authorities and developers should think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment.
14. The following Development Plan policies are considered relevant to this application: -

#### **Suffolk Structure Plan 2001**

- Policy ENV3 (Design Standards)

## **Babergh Local Plan Alteration No.2 (2006)**

*The policy references below relate to the adopted version of the Local Plan - the policy numbers in some cases differ from those in the second deposit draft. Where this is the case, the previous reference number is given in brackets.*

- Policy HS02 (Villages)
- Policy HS03 (Non- Sustainable and Sustainable Villages)
- Policy HS04 (Protecting the countryside)
- Policy HS28 (Infilling) (*Policy HS12*)
- Policy HS30 (Design of new houses) (*Policy HS14*)
- Policy CN01 (General Design)
- Policy CR01 (Landscaping quality)

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

### OBSERVATIONS

16. PC – The Parish Council objects to this application because it is outside the village envelope. It is noted that the proposed dwelling has been re-aligned and the garaging omitted but the Council remains consistent in opposing any further development that breaches the envelope. Although this application has stated no trees are to be removed, there does not appear to be any provision for the large oak at the north-eastern boundary of the site, which is clearly shown on the location drawing but is omitted on the layout plan.
17. The Parish Council also attached comments made in objection to B/05/00823/FUL.
18. CHA – Recommend the imposition of a single condition relating to the provision and subsequent retention of manoeuvring and parking areas.
19. EA – Submit advisory comments.
20. Letters - One email in support of the application has been received.

### ASSESSMENT

21. Policy HS02 states that new housing development in non-sustainable villages (Leavenheath is classed as such under the terms of Policy HS03) will take the form of infilling (up to 3 no. dwellings) within the built up area boundary providing (inter alia) there is no significant adverse impact on the scale and character of the village; residential amenity; landscape character and highway safety. Policy HS04 emphasises that new housing will be integrated into the defined areas of towns and villages.
22. Under the terms of Policies HS28 and HS30, infilling will be refused where, amongst other things, the site should remain undeveloped as an important visual feature; the proposal will represent overdevelopment of the site or where the layout and design is considered out of keeping with adjacent development.

23. A substantial part of the application site lies within the built up area of Leavenheath. As such, there can be no fundamental objection in principle to the erection of a dwelling within the site. In addition, PPG3 advocates the more efficient use of land and promotes the use of brownfield sites for residential development. However, the application must also be assessed on the suitability and siting of the dwelling proposed, having regard to the site and its setting given the criteria of Development Plan policies.
24. The immediate locality primarily consists of bungalow type properties set in generous plots with open countryside immediately to the east. The exception to this is the host property 'Tynwald' which is a two-storey dwelling.
25. The previous application (B05/00832/FUL - see Para 12 above) for a 1½ storey dwelling on the site was refused planning permission as it was considered that the proposed development would result in a contrived form of development, out of character with the prevailing pattern of development by virtue of the siting of the dwelling and its orientation and resultant relationship with the host property. As such, the proposal was considered to be harmful to visual amenity and to compromise the setting of the host property. No objection was made to the principle of development on the site in relation to the built up area boundary.
26. This application has been revised so to overcome the previous reasons for refusal and has resulted in an improved relationship between proposed and existing dwellings by virtue of an alignment of the proposed property with that of the host property and a reduction in overall scale. Accordingly, the siting of the proposed dwelling is considered appropriate. The proposed scale and form of the proposed dwelling enables the development to satisfactorily relate to 'Tynwald' and surrounding development. The design solution is considered acceptable and previous concerns of adverse impact upon the host property have now been overcome.
27. The Parish Council have made representation in respect of an oak tree on the site not being shown on the submitted layout plan. This small oak tree was infact removed earlier in the year and therefore would not now be shown on any plan. This action did not require the consent of the Council.

### **Conclusion**

28. Although there is a presumption against development in open countryside locations (with the main aim of protecting the countryside), it is not considered that these aims are compromised by this proposal. The principle of development has previously been accepted as part of the determination process of the previous application on the site (B/05/00823/FUL refers see Para 12 above). The site is a brownfield site, substantially within the built up area boundary of the village and well related to the existing built development and infrastructure. The site enjoys natural landscaping screening from the open countryside and its development will have minimal visual impact.
29. In view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made: –

### REASON FOR APPROVAL (if approved)

30. The proposed development involves the erection of 1 no. 1 ½ storey dwelling; alterations to existing vehicular access and provision of car parking. Although the proposal technically infringes elements of planning policy, it is considered that the development generally accords with the aims and provisions of PPG3, Policy ENV3 of the Suffolk Structure Plan 2001 and Policies HS28, HS30 and CN01 of the Babergh Local Plan Alteration No.2 (2006) and will not result in any material impact upon of any interest of acknowledged importance. In particular, the proposed development is not considered to lead to any significant adverse impact upon the character of the area or reduce the amenities enjoyed by occupants of neighbouring property. Furthermore, the development is considered acceptable in terms of highway safety and convenience.

### RECOMMENDATION

The Head of Planning (Control) be authorised to grant planning permission subject to the following conditions: -

- Materials
- Landscaping (including driveway surface treatment and tree protection measures)
- As recommended by CHA
- Parking area serving 'Tynwald' to be provided and retained thereafter
- Removal of PD rights in relation to extensions/alterations and outbuildings
- Boundary treatment
- Levels

### DECISION

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