

SUDBURY – PART REAR GARDEN OF 18 CONSTITUTION HILL

Erection of 1 no. detached single storey dwelling (existing commercial building to be demolished). Alterations to existing vehicular access.

Applicant: Mr & Mrs A Cocksedge

Case Officer: Gemma Pannell

BACKGROUND

A panel of members inspected the site on 25th April 2007 to assess the impact on residential amenity and overdevelopment.

SITE

1. The site is located in rear garden of 18 Constitution Hill, a chalet bungalow. Also within the site is a commercial building which was formerly used as a vehicle repair workshop (circ. 1950s). The site is accessed via the existing vehicular access and will be shared with the host property.
2. The site is within the built up area of Sudbury and there are no other constraints that affect the site.

PROPOSAL

3. The application proposal is to demolish the existing workshop building and provide a single storey detached dwelling served by the existing vehicular access.
4. The application has been revised since original submission and the approximate dimensions for the dwelling are now 16.7 metres wide, 8.5 metres in depth with an approximate ridge height of 3.96 metres. (The revisions reduced the ridge height from 4.7m to 3.96m) The materials proposed are black weatherboarding under a pan-tile roof, with parking and manoeuvring for the proposed dwelling provided within the application site.
5. The applicants agent has submitted a Design and Access statement which is summarised below:
 - 18 Constitution Hill is a chalet bungalow originally constructed for a haulier in the 1950's. The dwelling was positioned to allow the construction of a wide drive for commercial vehicles.
 - A 4m wide drive leads to a timber and bituminous felt clad commercial vehicle repair workshop and storage building, which incorporates a 5.1m long vehicle inspection pit. (to be demolished as part of this application).

- The siting and design of the dwelling have been carefully considered to protect the amenities of nearby occupiers.
- The site features have demanded very careful consideration to be given to the exact design of the proposed dwelling.
- Positioning of the structure adjacent to the south-eastern boundary wall acknowledges the particular feature of the surrounds and amenities of others. This approach is endorsed by opting for a single storey structure, which has a lesser impact than the recently constructed two detached houses.
- The design of the proposed bungalow is restricted by the proximity of the side and rear boundaries, but by adopting a basic 'U' shaped plan it is possible to provide well-arranged accommodation whilst respecting the amenities of others.

HISTORY

6. None

POLICY

7. The following adopted and emerging Development Plan policies are considered relevant to this application;

Suffolk Structure Plan 2001

- CS3 (Location of new housing development)
- 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.)

- HS01 (Towns)
- HS27 (HS11) (Density)
- HS28 (HS12) (Infilling)
- HS30 (HS14) (Design of new housing)
- HS32 (HS16) (Public Open Space)
- CN01 (Maintaining local distinctiveness)

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

OBSERVATIONS (original application)

8. TC – No comment
9. CHA – Recommend standard conditions.
10. Env. Health – Land contamination condition (site is within 250m of former landfill site)

11. Letters – 2 received objecting to the proposal and 1 making comments for the following précised reasons:
- Visual amenity and light – the proposed dwelling will span the whole boundary of our garden which is only 11 metres in depth.
 - Development will dominate our visual amenity and living space.
 - The highest point of the ridge will exceed the height of our French doors and kitchen window.
 - Loss of light in our kitchen/diner
 - Road safety/Traffic Generation – precedent for further backland development along Constitution Hill lead to increase traffic.
 - Location and Design of dwelling – we understand it is good planning practice to have at least 25 metres back to back development but the proposed dwelling would be only 12 metres from our house.
 - Dwelling proposed is too large for the proposed site – with no back garden or a significant one.
 - Retaining wall – the boundary wall on the rear of the site supports our garden and it may be undermined by the dwelling being built so close to it.
 - The proposed single storey dwelling will be directly in front of our living rooms and main bedroom and our preferred outcome would be to have no building there at all.
 - If the application is within the limits of current planning laws, which we assume it must be, we have no objection.
 - Further access for vehicles into this already overcrowded stretch of highway
 - Increased parking problems and confusion
 - Over-intensification damaging the little remaining views we have
 - The road is quire narrow and the problems we have now will onlt be made worse if this were allowed to go ahead.

OBSERVATIONS (REVISED APPLICATION)

12. TC – No comment

13. Letters – 1 received objecting for the following précised reasons:

- Although the height of the dwelling has been reduced slightly, we still feel that it is unacceptable backland development. The height of the property is not our only concern.

ASSESSMENT

14. The site lies within the defined built-up area of Sudbury and Government guidance (PPS3) seeks to promote the development of previously developed

land (including gardens) and to make efficient use of such land by developing at densities subject to local character and identity being preserved and respected.

15. The lead policies in respect of this case are HS01, HS30 and HS28, policy HS01 states housing developments will be granted planning permission, provided they have no material adverse effects on residential amenity, the environment or traffic generation. Policy HS30 state that all new housing developments should be of a high standard of layout and design and that the existing character of an area should be respected in the design and layout of any new housing. Furthermore, policy HS28 states that planning applications for (inter alia) groups of dwellings will be refused where the proposal represents over-development to the detriment of the character of the area or if the proposal is of a scale, density or form which would be out of keeping with nearby dwellings or other buildings.
16. In this case it is considered that the development of this site would represent a form and pattern of development which would be out of character with nearby dwellings with the proposed dwelling being set behind the existing dwelling. The existing pattern of development in this location is generally characterised by dwellings fronting Constitution Hill and the introduction of a dwelling in the rear garden of 18 Constitution Hill would be at odds with these properties and be contrary to the provisions of HS28 and HS30.
17. The agent has referred to the development of Redgates which is on the boundary of the application site This plot was once occupied by a single dwelling and planning permission was granted for the erection of a pair of dwellings which front onto a footpath which runs parallel with the site and have vehicular access off of Constitution Hill. This development forms part of a small number of dwellings which front the footpath which connects Constitution Hill to Belle Vue Road. It is not considered that the development of this adjoining site has set a precedent for the development of the rear gardens of the properties fronting Constitution Hill.
18. If planning permission were to be granted for development at the rear of Constitution Hill, as proposed by this application, it could set a precedent for further piecemeal development along this road which would be progressively detrimental to the character of the area.
19. The objections relating to the impact of development on the rear boundary of Church View are noted, however the applicant could build an outbuilding up to 4m high in this location without the need for planning permission and therefore it is not considered that the impact on the neighbouring property is a ground for refusal in this instance.
20. Policy HS32 states that proposals for new residential development, ranging from a single dwelling will be required to provide open space in proportion to the number of dwellings. In this instance this would be expected to be provided by a financial contribution which will be used to enhance and improve the nearest existing provision. The financial contribution is based on the number of bedrooms per house and is normally secured via a planning obligation. The applicant's agent has confirmed that they would be prepared to complete the obligation if the Council determine to approve the application. However the recommendation is one of refusal and includes the absence of a completed obligation at this time.

RECOMMENDATION

Refuse planning permission: –

- Introduction of backland development leading to an inappropriate pattern of development contrary to the provisions of policy HS01, HS28 and HS30.
- Inadequate provision of public open space (contrary to policy HS32)

DECISION
