

**Item No: 8**

**Reference: B/07/02072/FUL**

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**Parish: EAST BERGHOLT**

**Location: Orvis Bungalow, Orvis Lane**

**Proposal: Erection of 2no. detached 1½ storey dwellings (following demolition of existing dwelling). Construction of new vehicular access.**

**Applicant: Mr F Dodgson**

**Case Officer: Fiona Bradley**

**Date for Determination: 11/03/08**

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## **SITE**

1. The site is located at the southern end of Orvis Lane. It currently comprises a bungalow, which is in a state of disrepair, with the remainder of the site being overgrown. There are a number of large holly trees and fruit trees on the site. A hedge runs along the northern boundary. Public Footpath No. 29 lies immediately to the north of the site, adjacent to the hedge. There is an existing pedestrian access off Orvis Lane.
2. Orvis Lane comprises a mixed form of residential development including two storey dwellings and bungalows, both detached and semi-detached. Orvis Farm is located to the south of the site.
3. The application site is within the built up area boundary for the village. It is also within an Area of Outstanding Natural Beauty.

## **PROPOSAL**

4. The application proposes the erection of two no. two-storey detached dwellings. The proposed dwellings each have four bedrooms and a single attached garage with parking space for an additional car on site. The houses would be set back between 5 and 7.5 metres from the front boundary.
5. The construction of new vehicular accesses to each house is proposed.
6. The northern most house has a maximum ridge height of approximately 7.5m, overall depth of 9.2m and a maximum width of approximately 9m (including attached garage). A mixture of render, red facing brickwork and weather boarding is proposed, together with clay tiles to the roof.
7. The southern most house has a maximum ridge height of approximately 6.8m overall depth of 12.3m and a maximum width of approximately 10.1m (including attached garage). A mixture of render, red facing brickwork and weather boarding is proposed, together with clay tiles to the roof.
8. The application is supported by a Design and Access Statement which makes the following points in its summary:
  - The character of the proposals is of a high quality.
  - The proposals are contextual in terms of building character, finishes and scale.
  - The proposals comply with local planning policy.
  - The site already has approved residential use.
  - There will be little, or no, increase in traffic.

## RELEVANT HISTORY

9. Planning permission was refused by the Development Committee on 31 October 2007, contrary to officer recommendation, for the erection of 2 No. detached two-storey dwellings and the construction of a new vehicular access (B/07/01477/FUL) for the following reasons:
- *The Local Planning Authority is of the opinion that the proposed development for the two detached dwellings, by virtue of their height, size, form and design, result in over-development of the site which would not preserve the visual amenity and character of the area or the residential amenity of the adjacent property.*
  - *The Local Planning Authority has identified a need for the provision of public open space and play equipment across the District but no contribution to its delivery is made by this planning application. The development would, if approved, be prejudicial to the Council's strategy to establish a comprehensive long-term framework for the development of outdoor playing space provision throughout the District.*

## NATIONAL GUIDANCE

10. **PPS1** – Delivering Sustainable Development

## PLANNING POLICIES

11. The following Development Plan policies are applicable to the proposal:
- **HS02 & HS03** - (Villages)
  - **HS27** - (Housing Density and Type)
  - **HS28** - (Infilling and Groups of Dwellings)
  - **HS30** - (Design)
  - **HS32** - (Public Open Space – Developer Contributions)
  - **CN01** - (General Design)
  - **TP15** - (Parking Standards)

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

## OBSERVATIONS

12. PC – No objections subject to the ridge height not exceeding the height of the adjacent dwelling.
13. LHA – No objections subject to standard conditions.
14. EA – No objection.

## REPRESENTATIONS

15. One letter of objection has been received. The main points can be summarised as follows:
- Height of the chimneys are higher than the adjacent property.
  - Two properties in this location is excessive and will cause congestion and danger in the turning circle.
  - Will result in additional on-street parking.
  - Entrance and exit from Orvis Lane itself is dangerous as parking close to the lane restricts visibility to the left.

## **PLANNING CONSIDERATIONS**

### **Principle of development**

16. The site is wholly within the defined Built up Area Boundary of the village and there is no objection to further residential development on the site. The proposal involves the development of previously developed land and makes efficient use of such land through higher density development.
17. The key policies in this case are HS02 and HS28, which advise that infill development in villages will be acceptable providing that there is no adverse impact on the scale and character of the village; residential amenity; highway safety; and the natural environment, particularly biodiversity.

### **Impact on the character of the area**

18. The previous application was refused as the two dwellings, due to their height, size, form and design would have resulted in over-development of the site and would not have preserved the visual amenity and character of the area.
19. This application is also for two dwellings but both dwellings are reduced in size but, most notably in terms of height. The dwelling heights have been reduced from 8.7m to 7.5m and 7.5 m to 6.8m respectively. The ridge heights of the dwellings are now the same height or less than the height of the adjacent dwelling, Whitehays, which is 7.5m high. In addition, the width of the southern-most dwelling has been reduced from 11.9m to 10.1m. This reduction in width provides an increased separation distance between the two dwellings, improving the form of development and reducing the overall scale of the dwelling when viewed from Orvis Lane.
20. The proposed frontage width of the sites are 11.1 and 13.5m. This is slightly less than the plot widths at this end of Orvis Lane which vary between 14 and 17 metres wide. Towards the northern end of Orvis Lane plot frontages also vary in size but there are a number between 8 and 13m wide.
21. The surrounding area is characterised by a mix of residential development including two storey dwellings and bungalows, both detached and semi-detached. The proposed dwellings are both one and a half storeys high which is acceptable in this location being within an AONB and on the edge of the built up area.
22. The siting of the dwellings, between 5 and 7.5m from the front boundary, results in development closer to the highway than the dwellings in the vicinity. However, the existing bungalow (to be demolished) is setback 4m from the front boundary and other dwellings further north on Orvis Lane are also located within close proximity (4-6m) from the front boundaries. In addition, due to the physical separation of the application site from the nearest dwellings, due to the Public Footpath and open land opposite, the setback is acceptable and will not materially harm the character and appearance of the area.

### **Highways/Parking**

23. The proposed houses each have a single attached garage with a parking space in front. In responding to the previously refused application the LHA stated it is accepted that vehicles will have to reverse onto Orvis Lane. Given the location of the property at the southern end of Orvis Lane, which is not a through road, the accesses proposed are acceptable subject to standard conditions.

## **Amenity**

23. The potential impact on residential amenity of the adjacent property, Whitehays, due to the height of the proposed dwellings was included as part of the first reason for refusal in the previous application. As stated above, the height of the proposed roof nearest to Whitehays has now been reduced from 8.7m to 7.5m which is the same as the height as Whitehays. The height of the proposed southern-most house is 6.8m high. Although the development is located to the south of Whitehays the nearest one and a half storey element of the northern-most house is approximately 6m from the neighbouring boundary, with Whitehays being a further of 1.8m from the boundary. This distance provides sufficient separation between the dwellings which would minimise any loss of light to the neighbouring property.
24. The neighbour, as part of the objection, has noted that the chimneys at 8.6m are higher than the roof height of Whitehays. Given the distance of the chimneys from the adjacent property there would be no material harm caused by the chimneys nor would they materially harm the streetscene.
25. No windows are proposed at first floor level in the side elevations therefore loss of privacy is not an issue with this proposal.

## **Public Open Space**

26. Policy HS32 requires the applicant/developer to either provide 10% of the application site as public open space (where agreed in advance with the Local Planning Authority) or financial contributions towards the upgrade/expansion of existing Local Authority maintained areas of public open space away from the site. In this case, the provision of 10% of the application site is not a suitable option given the small size of the site (which will not provide a useable area of open space). The applicant's agent has been advised of the need to provide a financial contribution towards the off-site provision of new, or upgraded public open space.

## **REASON FOR APPROVAL**

Having regard to the pattern of existing development in the area and the relevant provisions of the Development Plan (namely policies HS02, HS03, HS28, HS30, and CN01 of the Babergh Local Plan, Alteration No. 2, 2006) it is considered that the proposed development would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers, would not result in the loss of any important trees and would be acceptable in terms of traffic safety and convenience.

## **RECOMMENDATION**

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to provide:
  - Financial contribution towards off-site public open space provision.
- (2) That subject to the Planning Obligation referred to in resolution (1) above being secured, the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:
  - Materials
  - Boundary treatment/means of enclosure
  - Landscaping
  - As recommended by LHA

- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured, the Chief Planning Control Officer be authorised to refuse planning permission for the following reason:
- Lack of financial contribution towards public open space contrary to Policy HS32 and PPG17.