

Parish: SUDBURY

Location: The Contact Hall, Girling Street, Sudbury, CO10 1LZ

Proposal: Erection of 2 no. three storey semi-detached dwellings (existing building to be demolished)

Applicant: Mr P McGregor

Case Officer: Graham Chamberlain

Date for Determination: 06/07/09

This application is reported to Committee as a representation has been received which is at variance to the recommendation of Officers and the proposal relates to 2 dwellings.

THE SITE

1. The Contact Hall is a former social club located on Girling Street, a predominantly residential street on the periphery of Sudbury Town Centre. The properties around the Contact Hall are Victorian in character and appearance with simple, symmetrical elevations, a standard form scale and layout and period details such as chimneys. The materials are predominantly brick (Suffolk Whites) with a slate roof. Rear access to the garden is provided by central passages. The properties are arranged in semis. To the north of Girling Street is Newmans Road. This area of Sudbury is also characterised by a Victorian street layout and character to the buildings.
2. Opposite the Contact Hall there is a public car park with access through to North Street. Girling Street is a main traffic artery through Sudbury and is an integral part of the one way system. To this end it is subject to a Traffic Regulation Order prohibiting parking in the road.
3. The Contact Hall is an interesting building. It is single storey and finished in stone. It is however no longer used. The building is set higher than the pavement. The site slopes up from the pavement towards Newman's Road. The elevations show the level changes proposed. Rear access to the garden of the Contact Hall is provided to the side of the property.
4. The site is located within the Sudbury settlement boundary. It is outside of the Town Centre Conservation Area (Girling Street being the boundary) and is not subject to any relevant planning constraints.

THE PROPOSAL

5. The proposal is for the demolition of the Contact Hall and the erection of two, three bedroom semi-detached dwellings.
6. The dwellings as proposed would have accommodation over three floors with dormer windows in the roof to provide the third bedroom. The ridge and eaves height would be level with those either side but the entrance would be lower (no steps up to the front door). The applicant is proposing to build the properties on a flat level, therefore part of the site would need to be reduced by 1.3m.

RELEVANT HISTORY

7. No relevant history.

NATIONAL GUIDANCE

8. **PPS1** (Delivering Sustainable Development)
9. **PPS3** (Housing)
10. **PPS23** (Planning and Pollution Control)

PLANNING POLICIES

11. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan (EEP) 2008

- ENV7** Quality in the Built Environment
- SS1** Achieving Sustainable Development

Babergh Local Plan (Alteration No.2) 2006

- CN01** Maintaining Local Distinctiveness
- HS01** Housing in Towns/Urban Areas
- HS27** Housing Density
- HS30** Design of new Housing
- HS28** Infilling
- HS32** Open Space
- TP15** Parking

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

12. Sudbury Town Council – Recommends approval
13. Local Highway Authority – No objection, no conditions requested.
14. The Sudbury Society – is supportive of the proposal for an infill in principle. There are serious doubts about the practicalities of squeezing two 3 bedroom houses into the site. There is particular concern with regards to the 150mm gap both sides and the lack of external access to the rear gardens. The provision of wheelie bins in the front will add clutter.
15. BDC Contaminated Land Officer – No comments at time of writing, Members will be updated once comments are received.

REPRESENTATIONS

16. Occupant of 38 Girling Street – Objects – the development will remove all the light to the first floor bathroom, the development will result in a loss of light to the kitchen, the development would require extensive excavations, I will not be able to maintain the side elevation of 38 Girling Street, the building is aesthetically totally out of keeping with the existing two storey Victorian terraces.

17. Occupants of 39 Newman's Road – Object – loss of privacy due to over looking of the garden and bedrooms of their property, concerned that bushes and trees will be removed and that there will be noise.
18. Occupants of 42 Girling Street – Object – concerned that the entire width of the site will be filled, concerned by the levels of the development

PLANNING CONSIDERATIONS

Principal of Development

19. The proposal is for the erection of two houses in the Sudbury built up area. The proposal is the reuse of previously developed land. Therefore, in accordance with Policies HS01 and PPS3, the principle of the development is acceptable subject to compliance with relevant planning policies.

Design and Impact on Character

20. Policy HS30 states that all new residential development shall be of a high standard of layout and design; this is reiterated in Policies HS28 and CN01 which requires all new development to be of an appropriate scale, form, design and finish. Policy ENV7 of the EEP states that all new development should be of high quality and based on a robust site appraisal. PPS3 in Paragraph 10 states that planning authorities should deliver well designed high quality housing; this is echoed in PPS1 which places design towards the centre of the planning system (Paragraph 34) stating that development which fails to improve the quality and character of the area should not be supported.
21. Policy HS28 of the Local Plan specifically relates to residential infill development such as that proposed. It states that planning permission will be refused if the:-
 - The site should remain undeveloped;
 - The proposal represents over development;
 - The layout provides unreasonable standards of privacy, garden size and amenity, and
 - The proposal would be of a scale, density or form which would be out of keeping with the surrounding area.
22. The site at present comprises of the Contact Hall and rear garden. The Contact Hall is not listed and is not within a Conservation Area. Consequently there is no protection or presumption in favour of retaining the building. The site is not designated as an Area of Visual or Recreational Amenity. The building is of some interest but is not of any particular merit or rarity which would warrant its protection. For these reasons the site is capable of development.
23. As the principle of the development is acceptable, and the site does not need to stay undeveloped on visual or environmental terms, the assessment under Policy HS28 moves on to the question of the nature of the development and the form, scale and design of what is proposed.
24. The site area is approximately 0.0353ha. This gives a density of 56 dwelling per hectare (dph). This is a reasonable density for a site so close to the town centre and is broadly comparable to the other Victorian semi-detached properties in the vicinity. However the density of a scheme is only an indicator of whether or not the scheme is over development; the buildings relationship with the plot and surroundings also needs to be assessed. Other indicators of over development are whether there is a cramped appearance, contrived design or an under provision of amenity space and parking. The design also needs to be viewed in its context.

25. There are numerous concerns regarding the built form and appearance of what is proposed. The building would have a three storey appearance due to the height and the presence of dormer windows and roof lights in the front elevation. The building would appear overly large for the site and out of proportion with the properties either side. This would harm the street scene. Officers agree with the Suffolk Preservation Society that the building would appear as if it has been 'squeezed' into the site, appearing unduly cramped. The small scale nature of the Victorian properties is a defining characteristic of the street scene. Although when measured from the top to the bottom, the building is not much higher than the neighbours (and has a similar width), the three storey appearance will however be out of character with the properties either side, jarring with the uniformity of the properties on either side, the street scene and therefore the character of the area. The visual scale of the building is therefore harmful.
26. The design is contrived to accommodate the over sized building. The large dormer windows are alien features which would be incongruous in the street scene. The dormers are over sized to fit the extra bedroom in the roof space. The rear projection is out of scale with the main part of the semi and those of the surrounding properties. Officers would expect to see the rear projection have a narrower span to the gable end accommodating a side return for each property. This would have a more comfortable relationship with neighbouring properties and the scale and proportions of the proposed houses.
27. The scheme lacks access to the gardens. The implication of this is that wheelie bins will need to be kept in the front garden. This is unacceptable as it would result in visual clutter to the street scene. Cycle parking should also be provided, however it is unclear how/where bicycles could be stored. The properties either side incorporate a central alleyway to the rear garden.
28. The over sized scale of the building also results in an unreasonable impact on neighbours; this is discussed below but is an indicator of over development.
29. For the reasons above, the proposal is considered to be a harmful over development of the site contrary to Policy HS28 of the Local Plan.
30. As stated above, the building would appear incongruous in the street scene. The character of this part of Girling Street is relatively straight forward in that the buildings are of a Victorian style and scale with a symmetrical appearance arranged in a semi-detached form. There are no dormer windows in the street scene.
31. The proposed window placement is totally at odds with the character of the properties to either side of the site. The windows have no regard or respect to the siting or size of the window placement on adjoining properties. The windows as proposed give the building a horizontal emphasis (with the width greater than the height). This gives the proposed development a bulky appearance and uncomfortable visual relationship with the properties either side. To compound the harm the applicant is proposing the use of plastic windows when a timber finish would be more appropriate given the period style of what is proposed.
32. The dormer windows on the front elevation are unacceptable in principle. Notwithstanding this the dormers as proposed are over sized for the roof plane. As a rule of thumb the height of a dormer window should be half of the distance between the ridge and eaves. The height of the dormers as proposed would almost be equal to the height of the roof plane. The dormers in isolation are over sized.
33. The ridge height would not be broken up with a chimney; this is a key characteristic of the dwellings in Girling Street. Again the long unbroken ridge gives the dwellings a horizontal emphasis rather than a vertical emphasis.

34. In summary the overall scale of the dwellings, and the aesthetic appearance, would result in a harmful addition to the street scene. The development would be incongruous in a very prominent location within Girling Street. In view of the above the development as proposed would not be of a high standard of layout and design (Policy HS30) would be of a scale and form out of keeping with adjacent buildings (Policy HS28), represents an over development of the site (Policy HS28) and does not pay particular attention to the nature of adjacent development (Policy CN01).

Impact on neighbour amenity

35. The impact on neighbours is a concern. The main area of concern with regards to neighbour amenity is the impact on the light to the kitchen and dining rooms of 38 Girling Road. As stated the new properties would have no side return, this would result in the built form being within 40cm of the shared boundary. The British Research Establishment (BRE) provides guidance on when an unreasonable loss of light may occur. This guidance is referred to as the 45° angle test (relating to the angle of day light to windows). The proposed rear extension fails the 45° angle test resulting in an unreasonable loss of light to the rear ground floor window of 38 Girling Street. The kitchen window at 38 Girling Street faces the proposed rear extension. The extension as proposed would result in an unreasonable loss of light to his kitchen window as well as the rear ground floor window. Furthermore the proximity of the rear element of the scheme to the side boundary would result in an uncomfortable and overbearing impact and a form of 'tunnelling'. The absence of a side return and the depth of the extension would result in an unneighbourly impact on the occupants of 38 Girling Street.
36. The neighbours either side have raised concerns that they would be unable to maintain the side walls of their properties if the development were to go ahead. This is however a matter for consideration under the Party Wall Act rather than a planning consideration. The occupant of 38 Girling Street has concerns relating to a bathroom window he has recently installed in the side elevation. The proposal would effectively result in the removal of natural light to the bathroom via this window and the complete loss of outlook. However given that the window serves a bathroom, which is not primary accommodation, this is not a reason for refusal. Both neighbours are concerned about the excavations (and therefore the impact on foundations) necessary to build out the scheme. However this is also covered by other legislation (the Party wall Act and the Building Regulations). The neighbours to the rear of the site are concerned by over looking. There would be low level roof lights in the rear roof slope and first floor bedroom windows facing the properties in Newmans Road, however the window to window distance would be over 30m, this is a reasonable distance.

Highways and Parking

37. The proposal does not include any parking provision. Officers are concerned about the practicality of this given that the scheme is for two 3 bedroom family houses. The site is however within a comfortable walking distance of the town centre (400m is a comfortable walking distance) and the Local Highway Authority have not recommended refusal. On street parking would not be possible due to the Traffic Regulation Order.

Open Space

38. At the time of writing a Section 106 Agreement relating to open space has not been prepared or signed. This is required under Policy HS32. The recommendation takes this into account.

Contamination

39. Although a requirement of the Local Validation List the applicants have not submitted an initial contaminated land assessment (this is required as the proposal is for residential development – a ‘sensitive end user’ as defined in PPS23). As the application is not supported Officers have not requested this additional information as it would have a cost implication for the applicant. The application can not be approved in the absence of this initial assessment unless the Contaminated Land Officer is of the opinion that the risk is so low that an assessment is not required but this cannot be ascertained without the initial assessment. Clarification is being sought from the Contaminated Land Officer at the time of writing this report and the outcome will be reported at the meeting.

RECOMMENDATION

Refuse planning permission for the following reasons:-

- (1) The erection of 2 No. three storey dwellings as proposed would be contrary to Policies CN01, HS28, HS30 and HS01 of the Babergh District Local Plan Alt 2 (2006). Policy HS01 states that housing development should have no adverse impact on the environment, Policy HS30 states that all new development shall be of a high standard of layout and design, Policy CN01 states that all new development will be required to be of an appropriate scale, form, and detailed design for the location paying particular attention to the scale, form and nature of the development and environment surrounding the site and Policy HS28 which states that planning applications for infill development will be refused where the proposal represents an over development of the site to the detriment of the environment, residential amenity and character of the area or be out of keeping with adjacent and nearby dwellings. The proposal is also contrary to Policy ENV7 of the East of England Plan which requires new development to be of high quality which complements the distinctive character and best qualities of the local area with new buildings of an appropriate scale, founded on clear site analysis and urban design principles.

The proposal by virtue of its height, visual scale and design (in particular the fenestration, rear projection and dormer windows) in isolation and when viewed against surrounding development would result in a harmful, visually dominant addition to the street scene. The development would be incongruous in a very prominent location within Girling Street jarring with the scale, appearance and character of adjacent properties. The development as proposed would not be of a high standard of design representing an over development of the site to the detriment of the character of the locality and residential amenity (by way of loss of light and overbearing to the occupants of 38 Girling Street) The proposal is therefore contrary to the aforementioned policies.

- (2) Policy HS32 of the Babergh Local Plan Alteration No.2 (2006) states that proposals ranging from a single dwelling up to the development of a 1.5 hectare site will be required to provide open space and play equipment in proportion to the number of dwellings to be built. Developers will be given the choice to either provide a financial contribution to secure public open space and play equipment on an alternative site or provide 10% of the application site as public open space. The Local Planning Authority has identified a need for the provision of public open space and play equipment across the District, however, 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

- (3) Planning Policy Statement 23 (PPS23) states that in considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. PPS23 states that where there is a sensitive use proposed, such as residential, the local authority should require at least a desk study of previous uses and the potential for contamination (A Phase 1 Contaminated Land Survey). In the absence of this information the applicant has failed to demonstrate that sensitive end users would not be put at an unacceptable risk with regards to contaminated land.