



Committee Report

Planning Committee South – 28 June 2022

Application no DC/22/1162/FUL

Location

Woodside
Martlesham Road
Little Bealings
Woodbridge
Suffolk
IP13 6LX

Expiry date 18 May 2022

Application type Full Application

Applicant Mr D Boswell

Parish Little Bealings

Proposal Retrospective Application - Construction of a 4 bay cartlodge with studio above

Case Officer Nick Clow
nick.clow@eastsoffolk.gov.uk

1. Summary

- 1.1. The application proposes the construction of a 4-bay cart lodge with studio above at Woodside, Martlesham Road, Little Bealings, IP13 6LX.
- 1.2. The application accords with planning policy, the applicant is not an elected member or member of staff or close relative, the land is not owned by the district council. In terms of consultation responses received, Little Bealings Parish Council has objected, there have been three third-party objections, the Ward Member has not commented and there have been no objections from statutory consultees.
- 1.3. As the 'minded to' recommendation was one of approval, contrary to the comments of the Parish Council, the Planning Referral Panel process was triggered. The application was presented to the Planning Referral Panel on 24 May 2022, where it was decided that the application should be referred to Planning Committee for determination.

2. Site Description

- 2.1. The application site sits between the settlement boundaries of Martlesham and Little Bealings, It is not located within a designated settlement boundary therefore in planning terms is located in the countryside.
- 2.2. The application site comprises a large, detached dwelling set back from Martlesham Road and accommodates substantial off-road parking. The curtilage is delineated by close boarded fencing and the surrounding built environment is a mix of bungalows and large detached dwellings of various forms, scales and character.
- 2.3. A Tree Preservation Order (TPO) ESCC/52/00022 affects land abutting the curtilage of the application site to the south therefore, trees and hedgerows located along the front boundary are protected under this Order.
- 2.4. The site is not located within a conservation area, site of special scientific interest (SSSI) or Suffolk Coast and Heath Area of Outstanding Natural Beauty (AONB).
- 2.5. Planning permission was permitted in 2013 for the erection of a single storey side extension to form self-contained one bedroom annexe DC/13/2558/FUL however this was never constructed during the required three-year period and has now lapsed.
- 2.6. The property benefits from an extent planning permission for a substantial two-storey extension on the western side of the dwelling and an extension upwards on the existing building (case reference DC/21/4162/FUL). That consent although not commenced, remains extant, and the external materials have been agreed via discharge of consent application DC/21/5349/DRC. It therefore could be implemented at any time prior to the expiry date of that consent (2 November 2024).

3. Proposal

- 3.1. Planning Permission has also previously been granted for a 4 bay cartlodge with studio above under case reference DC/17/3824/FUL. The approved building had a gabled roof with a lower lean-to rood on the rear (western) elevation. It was approved within the

front garden towards the western side of the plot. The consent included standard conditions relating to the standard time limit for commencement, compliance with plans and the submission of external materials prior to commencement.

- 3.2. A building has been constructed in a similar location to that consented under DC/17/3824/FUL, but it does not comply with the drawings approved under that consent, and the materials condition was not discharged prior to commencement. The constructed building is the subject of this current planning application.
- 3.3. The cartlodge is located to the southwest of the Woodside sitting in front of the principal elevation close to the boundary with 'The Weald'.
- 3.4. The previously consented outbuilding possessed numerous features that were different to the constructed cartlodge such as a catslide roof, lower ridge and exterior staircase. The overall external dimensions of the consented and constructed building were/are:

	Previously consented under DC/17/3824/FUL	As constructed and the subject of this application
Width	8m	8.52m
Length	13.15m (plus external staircase 0.85m)	13.67m
Eaves Height	1.9m / 2.82m	2.92m
Ridge Height	6.16m	7.73m

- 3.5. The constructed cartlodge possesses a dual pitched roof and contains 2 bays for parking, 2 bays for storage and a hall located on the ground floor. The first floor roofspace accommodates a studio with associated shower room, kitchenette and additional storage.
- 3.6. Three rooflights are located along the eastern roof slope, a large first floor picture window is located on the northern elevation and a smaller first floor window sits along the southern elevation. Materials include Seaford Red Multi Brick finishing the exterior walls, red pantiles forming the roof, dark grey aluminium framed windows and white uPVC doors.

4. Third Party Representations

- 4.1. Three representations of objection have been received raising the following material planning considerations:
- Overlooking to the rear garden of 'The Weald' and 'The Pines' to the west and overlooking into habitable rooms of 'Camelot' to the north.
 - The scale and appearance are out of character with the surrounding built environment as well as over dominating the streetscene and boundary with 'The Weald' to the west.
 - Concerns raised regarding the future use of the cartlodge and studio due to services being routed into the building and noise and disturbance issues arising from its vehicular use.
 - Overbearing- Footings of the outbuilding have been moved closer to the neighbouring boundary with 'The Weald' creating an oppressive environment.

- Noise and Disturbance- concerns have been raised regarding potential noise and disturbance issues arising from the use of the studio above the cartlodge and its perceived adverse impact on neighbouring residential amenity.
- Landscape changes- Removal of majority of the trees along the boundary with the 'The Weald' and along the front of the curtilage has exacerbated the above concerns raised such as its relationship with 'The Weald,' privacy and overlooking.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Little Bealings Parish Council	8 April 2022	4 May 2022
<p>"The Council considered this application at a recent meeting and resolved to object to the application. The Council understands that the development is to have a separate electricity and water supply and has considered it with reference to SCLP 5.7.</p> <p>The Council has considered the position, size, design and materials used for the development and is resolved that the development is harmful to the character of the area, the neighbouring property and the streetscene."</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	8 April 2022	10 May 2022
<p>Summary of comments: The variation to its approved position makes no material difference to impact on nearby TPO trees. On that basis I have no objections.</p>		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 14 April 2022

Expiry date: 10 May 2022

6. Planning policy

National Planning Policy Framework 2021

SCLP5.13 - Residential Annexes (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP 7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SPG 16 - House alterations & extensions (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)

7. Planning Considerations

Visual Amenity

- 7.1. Whilst the location of the garage building forward of the dwelling could result in potential views from the Martlesham Road, the principle of a four bay garaging building with accommodation in the roof forward of the dwelling towards the western side of the front garden, has been previously accepted by the granting of Planning Permission DC/17/3824/FUL.
- 7.2. The 2017 consent has lapsed because the building constructed does not accord with the approved drawings, and the three years for commencement of that consent has now lapsed. However, it still forms a material planning consideration, and given this previous consent it would be extremely difficult to seek to resist the principle of a building in this location.
- 7.3. The previously consented garage building was more traditional in form with a narrower gabled roof that had a lean-to on the rear to enable the required depth for vehicles on the ground floor, whilst minimising the bulk and mass of the roof. It is unfortunate that the building has been constructed with a gable that spans the width of the building, as this has resulted in a higher ridge (1.5m higher than previously consented) and a bulkier roof with a larger volume. The resulting form is less visually attractive than that previously consented, but it is not sufficiently detrimental to visual amenity to warrant the refusal of the application.
- 7.4. The consent for the large extension on the host dwelling is also material to the consideration of the visual appearance of this outbuilding, as it remains an extant consent, and the relevant conditions have been discharged, suggesting an intent to construct it. Once the extension has been constructed, the outbuilding will appear more in proportion to the resulting dwelling in terms of its visual scale.
- 7.5. It is unfortunate that the applicants commenced works without submitting details of the external materials via a discharge of condition application, as required on DC/17/3824/FUL. However, the materials used to construct the building (multi-brick, red pantiles and dark grey aluminium windows) are not dissimilar to those approved for the extension to the dwelling. Therefore, they are acceptable, and would not be out of character with the locality.

- 7.6. Therefore, for the reasons set out above the scheme is acceptable in terms of visual amenity and accords with the requirements of the NPPF, Local Planning Policy SCLP11.1 in this respect and Supplementary Planning Guidance 16.

Residential Amenity:

- 7.7. The building is taller than that previously granted consent, but it is located in a similar location, towards the western side of the front garden. It is approximately 5m from the western boundary of the site (with 'The Weald') which is slightly closer than consented under DC/17/3824/FUL.
- 7.8. The close proximity of the cartlodge with the boundary of 'The Weald' was apparent following a site visit to the property. The proximity to the boundary was also raised by the Parish Council, occupiers of 'The Weald' and 'The Pines'. This relationship does not create an overbearing and confined environment that is detrimental to residential amenity because the angle of the building to this boundary has been adjusted, and there remains approximately 5m from the boundary which is substantial enough to alleviate any potential overbearing impacts on neighbouring amenity.
- 7.9. Comments were raised regarding a potential adverse impact on privacy and overlooking into habitable rooms and the private areas of the neighbouring rear gardens of neighbouring dwellings. At first floor level the building has windows on the northern and southern gables and roof lights on the eastern roof slope. The window in the southern gable faces the public highway and the rooflights face the applicants own front garden. The window in the rear gable would face in a northerly direction over the applicant's side/rear garden. Views through this window towards the dwellings to the east and west could only be achieved by leaning at a very acute angle. Views towards the dwelling at the rear would be limited due to the separation distance, as there is approximately 26.5m between the window and the rear boundary of the site with Beacon Lane, which separates the site from the neighbouring dwellings to the rear. An external staircase was permitted under the original plans, and it is viewed that the replacement picture window actually has less potential adverse privacy/overlooking impacts to neighbouring properties.
- 7.10. Therefore, the scheme is acceptable in terms of overlooking /privacy considerations.
- 7.11. Due to the separation distance and location of the building to the east it is concluded that there is no impact on the availability of natural daylight/sunlight entering habitable rooms of 'The Weald'.
- 7.12. Potential noise and disturbance issues associated with the vehicular use of the cartlodge were raised as a concern. The use of the cartlodge was approved under DC/17/3824/FUL and deemed satisfactory in relation to residential amenity impacts. The use of the cartlodge and thus its potential impacts on residential amenity have not changed. The use for vehicles is to be expected in an outbuilding within a residential curtilage. It would not cause a significantly adverse impact on neighbouring residential amenity as to warrant refusal.

- 7.13. Therefore, for the reasons outlined above, the scheme is acceptable in terms of residential amenity and accords with the NPPF, Local Plan Policy SCLP11.2 and Supplementary Planning Guidance 16 in this respect.

Accuracy of Plans:

- 7.14. The accuracy of the plans was also highlighted as a concern because the extension on 'The Weald' has been omitted therefore affecting the interpretation of impacts caused by the development on 'The Weald'. Despite this omission the plans contained sufficient information to make a professional judgement on the potential impacts caused by the development and this was accompanied with a site visit that ensured the built and natural environment surrounding the curtilage of the application site was fully considered.

Trees and Landscaping:

- 7.15. Following consultation with the local authority Arboriculture and Landscape team, moving the footings of the outbuilding towards 'The Weald' has had no adverse impact on the neighbouring Tree Preservation Order (TPO).

- 7.16. The previous consent granted in 2017 DC/17/3824/FUL applied the following condition:

“No development shall take place until the existing trees on site have been protected by the erection of temporary protective fences of a minimum height of 1.5 metres, set 1.5 metres beyond the adjacent edge of the proposed building. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees”.

- 7.17. The applicant did not comply with the condition and subsequently removed the trees. Although the removed trees were not protected by a TPO, they were sought to be protected by the condition in the interests of visual amenity. Therefore, for the same visual amenity reasons to soften the visual appearance of the building, two conditions have been included on the recommendation below, which require the replacement of some of the trees lost with planting along the western and southern boundaries to minimise the visual intrusion of the outbuilding on the streetscene.

Future Use of Development:

- 7.18. The Parish Council and the occupiers of 'The Pines' submitted concerns regarding the future use of the cartlodge and studio after it was noted that new electricity and water connections have been directed into the development. The plans also suggest that the previously consented w/c has been constructed as a shower room accompanied by a kitchenette. The cartlodge is very large but still smaller than the host dwelling clearly reading as an ancillary addition to the curtilage.

- 7.19. At this stage there is no evidence or reason to assume that the outbuilding will not be used for anything other than ancillary activities associated with the domestic occupancy of the host dwelling. However, a condition will be included to ensure that this remains the case.

Community Infrastructure Levy (CIL)

- 7.20. As this building has a floorspace greater than 100sqm, it is CIL liable, and as the application is seeking retrospective Planning Permission, self-build exemption cannot be sought. Therefore, the applicants are likely to be liable for the full CIL amount upon the issuing of decision, if this scheme is granted.
- 7.21. The site is within the High CIL Charging Zone, where current rates are £192.28 per sqm (2022 Indexed CIL rate). The precise calculation of the CIL liability will be calculated as part of the issuing of the liability notice, but as the useable internal floorspace is in excess of 160sqm, and the consent is retrospective so not able to benefit from any exemption, the CIL liability will likely be in excess of £30,000.

8. Conclusion

- 8.1. Whilst it is unfortunate that this building has been constructed without compliance with the previously consented drawings and prior to seeking planning permission for the form constructed, it must be considered on the same material planning considerations as would be for a proposed scheme. It cannot be resisted because it is retrospective or a breach of the previously consented scheme.
- 8.2. As explained in the considerations section of this report, the scheme is acceptable in terms of visual and residential amenity, and accords with the NPPF, Local Planning Policies SCLP11.1 and SCLP11.2, and Supplementary Planning Guidance 16. It is therefore acceptable and should be approved subject to appropriate conditions.

9. Recommendation

- 9.1. Approve subject to the conditions set out below.

Conditions

1. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing numbers 22108/2, 22108/3 and site plan received on the 24.03.2022 and for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

2. The cartlodge and studio above hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Woodside.

Reason: Having regard to the special circumstances put forward by the applicant in relation to a proposal which is inappropriate for use as a separate dwelling.

3. Within 3 month(s) of the date of this consent, satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) for the area between the western and southern elevations of there hereby consented outbuilding and the southern and western boundaries of the application site, shall be submitted to and approved by the local planning authority.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping to soften the appearance of the building in the wider streetscene in the interest of visual amenity.

4. The approved tree/shrub planting scheme shall be implemented not later than the first planting season (November - April) following the issuing of this consent (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping to soften the appearance of the building in the wider streetscene in the interest of visual amenity.

Informatives

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. Planning Act 2008 (Part 11) and the Community Infrastructure Levy Regulations 2010 (as amended) The development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

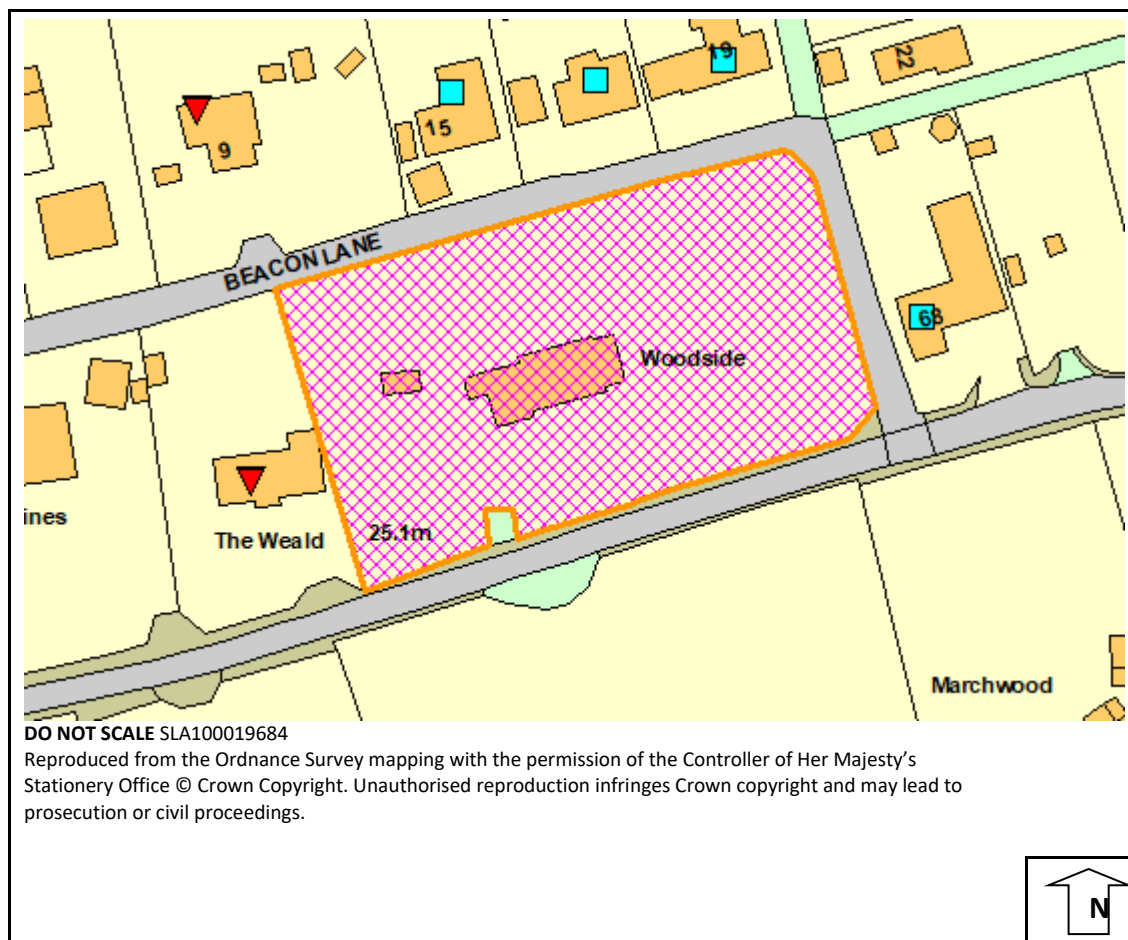
Please note as this consent is being granted retrospectively, self-build exemption can not be sought, and the full CIL payment will be liable in full upon the issuing of this planning decision notice.

Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action. Full details of the process for the payment of CIL can be found at <http://www.suffolkcoastal.gov.uk/yourdistrict/planning/policy/cil/>





Background information

See application reference DC/22/1162/FUL on [Public Access](#)

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support