



Planning Advisory Panel - 5 May 2020

Delegated Report

Application no DC/19/4442/FUL

Location

1 College Green
Felixstowe
Suffolk
IP11 7AP

Expiry date 7 January 2020

Application type Full Application

Applicant Mr & Mrs G Aguilar-Millan

Parish Felixstowe

Proposal Single storey extensions, detached garage with new wall

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Summary

The application seeks permission for a single storey side extension and also a L shaped rear extension, along with a new boundary wall.

Amendments have been received since the initial submission involving the removal of the garage and some cladding on the front elevation of the property.

The application is recommended for approval. 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 and in terms of consultation responses received, the ward member has not commented and the Town Council recommended refusal of this planning application which is contrary to the Planning Officers recommendation of approval hence, the referral triggers being met.

The application was reviewed at the Planning Referral Panel on 18 February 2020 which referred the item to committee, on the basis of the level of public objections, and to enable discussion of the impacts upon visual amenity and the Conservation Area. Since that resolution, Planning

Committees have been suspended due to Covid-19 guidance relating to public gatherings. Therefore, the item is presented to the Planning Advisory Panel.

Site description

Built under planning permission C/98/1673, the host dwelling is a large, two storey detached dwelling that sits on the corner of Foxgrove Lane and College Green in the Felixstowe Conservation Area. The property fronts Foxgrove Lane, with vehicular access from that road, and a side elevation facing College Green.

The residential properties of this area are all similar in character with mock Tudor timber cladding being the prominent focal points on front gables.

The properties are set back from the roads so to provide open space on their frontages, which is a key characteristic of the area.

Proposal

The proposal seeks to add a single storey side extension on the elevation fronting College Green. It also seeks to add a separate single-storey rear and the erection of a new boundary wall on the side adjoining College Green.

The single storey extensions which have lean to roof designs, would accommodate a new extended living room and a sunroom/conservatory.

The rear proposed extension would have been permitted development had development rights not been removed under application C/98/1673, condition 14. Permitted development rights were removed with the reason given as *"In order that the local planning authority may retain control over this particular form of development in the interests of amenity and protection of the local environment."*

There is vegetation near to where the new wall would be situated which is proposed to be retained.

The scheme when originally submitted was described as *"Single Storey Extensions, Detached Garage with New Wall"*, and the plans included horizontal timber cladding to the first floor elements of the existing house that currently have mock tudor cladding. This description and plans showing the cladding were the subject of the consultation. Subsequently, the application was revised to remove the detached garage and horizontal timber cladding. Therefore these elements are no longer matters for consideration in the determination of the application.

Consultations/comments

Third Party Objections - There have been 20 objections received raising the following material planning considerations:

- Visual Amenity and Conservation Area:
 - The property is on a generous plot in a prominent location on the corner of College Green and Foxgrove Lane, and within the Felixstowe Conservation Area. The Conservation Area Appraisal identifies this area as being characterised by large properties set in spacious settings. The plot has a large front garden with extensive landscaping which contributes positively to the streetscene and

provides a sense of openness, which would be lost by the proposed garage and wall, as they would encroach into and erode the front landscaping of the property.

- This was supposed to be an open plan road with hedges, not a brick wall. Concerned that the relocation of the wall closer to the pavement and the erection of a double garage in the front garden would be out of keeping with the scheme that created College Green and the high quality of the local environment. It would set a precedent, and create a 'blot' on the area.
 - It would harm the visual impact of the very old wall surrounding the entrance to College Green.
 - The garage would be an eyesore, obtrusive and spoil views of the front of the house. The design and size is out of character. They already have a double garage. It would create a massive block of bricks with a high pitched roof.
 - The proposed conservatory would be out of line with other properties in College Green, as no 1 stands on a corner plot. The conservatory pitch roof should match the height of the garage.
 - The extension does not meet the requirement to "*respect the plan form*" and be "*visually recessive and its size and design shall be that the original building will remain the more dominant feature on the site*" as required in policy DM21. The new extended boundary wall and garage will be dominant in views from College Green, leading to a sense of over-development.
 - The scheme would significant impact to the character and appearance of the streetscene and the Felixstowe Conservation Area, contravening Adopted Policies DM21, DM23, and emerging policies SCLP11.1, SCLP11.2 and SCLP11.3.
 - The scheme would also be contrary to the aims set out in the Conservation Area Management Plan, to preserve the important characteristic of the spacious nature of the plots. It is into of an appropriate design, scale, form, height, massing and position, and does not retain important features. The scheme would neither preserve or enhance the character of the Conservation Area.
- Residential Amenity
- Due to the visual impact design issues outlined above, the scheme would have an overbearing impact contrary to policy DM23.
- Traffic/ Highway Safety
- The entry to College Green from Foxgrove Lane is currently dangerous despite having an open plan frontage. The open plan frontage of 1 College Green greatly aids in the visibility to cars entering and exiting this road. Any alterations to this layout will have potential repercussions.
- Previous Appeal Decisions
- Reference should be made to appeal decisions APP/J3530/W/16/3142410 and APP/J3530/D/17/3170980, both of which proposed garages in front gardens of other spacious plots, and were dismissed on the basis of detrimental impacts upon the character of an area, contrary to policy DM21.

The representations also raise concerns relating to restrictive covenants, and loss of view. These are not material planning considerations and therefore cannot be considered in the determination of the application.

Consultees
Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	14 November 2019	6 December 2019
<p>Summary of comments:</p> <p><i>“FTC strongly recommends REFUSAL for this development, which in a number of ways is fundamentally at odds with the objectives of the Felixstowe Conservation Area and the particular aspects in regard to College Green, as highlighted in the recent Draft Felixstowe Conservation Area Appraisal document: Para 12.3 "College Green, an attractively-laid out development on former Felixstowe College land, with brick houses with timber framed detailing in well-landscaped gardens.”</i></p> <p><i>In particular:</i></p> <p>a) <i>The combination of the proposed garage and very intrusive brick wall will seriously damage the open layout of this area which was a fundamental design principle of the original planning permission aiming to preserve the open character of the area, previously the College playing fields and, prior to that, the environs of Ridley House and similar nearby properties;</i></p> <p>b) <i>The proposed change from timber-framed detailing, itself referred to in the Felixstowe Conservation Area Appraisal, to the proposed horizontal resin cement boarding, would significantly change the iconic characteristic to this property which is the gateway to College Green;</i></p> <p>c) <i>The proposed extension to the eastern elevation would, in its own right, also impinge on the open character of the area and of the building itself.</i></p> <p>d) <i>Additionally, aside from Conservation Area aspects, the development could seriously damage the very attractive streetscene of College Green and Foxgrove Lane, in contravention of DM21(a) and (f).</i></p> <p><i>In summary, this application is clearly against the concept of "preserving or enhancing" the Conservation Area. “</i></p>		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	14 November 2019	25 November 2019
<p>Summary of comments:</p> <p><i>Suffolk County Council - Highways Department</i></p> <p><i>“This proposal is unlikely to have any impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council as a highway authority does not wish to restrict the granting of permission.”</i></p>		

Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	21 November 2019	12 December 2019	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Conservation Area Date posted: 22 November 2019 Expiry date: 13 December 2019
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Planning policy

On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.

In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.

East Suffolk Council's Development Plan, as relevant to this proposal, consists of:

East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);

East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017); and

The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:

SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

The Felixstowe Conservation Area Appraisal 2020 - Character Area 7: East of Brook Lane is also relevant to the consideration of the scheme.

Supplementary Planning Guidance 16 (House Extensions and Alterations) is also material to the consideration of the scheme.

Planning considerations

Visual Amenity, streetscene and Conservation Area

As explained in the proposals section of this report, the scheme has been modified during the course of the application. The detached garage and horizontal cladding, which would have been particularly prominent in views from public vantage points along Foxgrove Lane, have been removed, reducing the visual impact from this direction.

The replacement garden wall and side extension, which remain part of the scheme would still have a visual impact upon the streetscenes of Foxgrove Lane and College Green. However, just because something can be seen, it does not necessarily make in unacceptable. Whilst it is accepted that the single-storey side extension and garden wall would result in a visual change to the streetscene, both are proposed to be of a scale and form which reflects the existing dwelling and garden wall.

The single-storey side extension would have a lean-to roof and be constructed in external materials similar to those of the existing house. It would read as an addition, with the two-storey dwelling to which it is to be attached remaining dominant and clearly the original building. It therefore meets the requirements of Policy DM21 and Supplementary Planning Guidance 16, which requires this approach to the design and form of extensions to dwellings.

Similarly, the garden wall is proposed to be a 2m high red brick wall to match the existing 2m high red brick wall that is to be removed.

Both elements would be closer to the roadway of College Green, but a significant area would remain between the back edge of the pavement and the garden wall and side extension. At the closest point there would be 2.5m between the garden wall and the back of the pavement. The hedge along the back edge of the pavement is also proposed to be retained which would soften views from public vantage points.

Therefore, the design, form, materials and location of the proposed side extension and garden wall are considered acceptable in terms of visual amenity, including the impact upon street scene and the character of the Conservation Area.

The single-storey rear extension would be largely hidden from public vantage points, due to its location on the rear, where views from Foxgrove Lane and College Green would be largely

obscured by the existing dwelling, neighbouring dwellings and the garden wall (even once replaced). Views from public vantage points would be limited to primarily to the roofslope of the addition, when standing a significant distance back along College Green to enable views over the 2m high garden wall. Therefore, it would not significant impact upon the street scene, character of the area and the Conservation Area. However, it still follows the guidance in SPG16 and the requirements of policy DM21 in that it would be a subservient addition which respects the existing building, allowing the two-storey dwelling to be read as the original building.

For the reasons outlined above, the proposal with the removal of the new cladding and the garage is now considered to comply with the NPPF, relevant Local planning policies DM21, and SP15, and Supplementary Planning Guidance 16 and the Felixstowe Conservation Area Appraisal 2020 - Character Area 7: East of Brook Lane.

The scheme would also meet the requirements of Planning (Listed Buildings and Conservation Areas) Act 1990, in that it would preserve the character of the Conservation Area.

Residential Amenity

Both the side and rear extension would be single-storey. Therefore, all new fenestration is proposed at ground level, so views towards neighbours would be obscured by existing or proposed boundary treatments. Therefore, there would be no direct overlooking or loss of privacy to adjoining properties. .

Due to the single-storey nature of the proposals there would also be no significant impact upon light to adjoining properties. As the side extension would be located on the side facing the roadway of College Green, it would not adjoin any residential gardens or windows on neighbouring properties. The rear extension would adjoin the boundary with no 30 Maybush Lane, but it would adjoin the neighbours outbuilding, so there would be no significant impact.

Therefore the scheme complies with planning policy DM23 and Supplementary Planning Guidance 16, in terms of residential amenity.

Highway Safety

It is noted that a number of the representations of objections refer to existing issues related to parking etc close to the junction. The planning process cannot require an applicant to resolve an existing situation, only to ensure it is not exacerbated.

The removal of the garage from the scheme, will mean that there are no direct obstructions to visibility from the junction arising from the proposals. There are no alterations proposed to the existing vehicular access to the site and the Local Highway Authority has raised no objections. Therefore, the scheme is considered acceptable in terms of highway safety considerations.

Conclusion

The proposal for a single storey side and rear extensions and new wall, complies with East Suffolk Council – Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document policy DM 21- Design: Aesthetics, Strategic Policy SP15 - Landscape and Townscape and Development Management policy DM23 - Residential Amenity, emerging Planning Policies SCLP11.1: Design Quality and SCLP11.2: Residential Amenity and Supplementary Planning Guidance 16, Felixstowe Conservation Area Appraisal 2020 - Character Area 7: East of Brook Lane. and the NPPF.

The character of the Conservation Area would also be preserved, so the scheme also meets the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Recommendation

Application is recommended for approval subject to conditions.

Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with
 - Site location plan on drawing 2632.19.00 received 13 November 2019 (the block plan on this drawing is not approved)
 - Proposed ground floor plan drawing 2632:19:02 Revision received 29 January 2020,
 - Proposed Elevations drawing 2632:19:03 Revision C received 26 February 2020
 - Proposed Garden Wall Elevations drawing 2632:19:05 Revision D received 29 January 2020,

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.

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity.

4. The hedgerow adjoining the pavement of College Green, shown to be retained on the approved plan (block plan on drawing 2632:1905 revision D) shall not be uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the hedgerow.

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. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsoffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

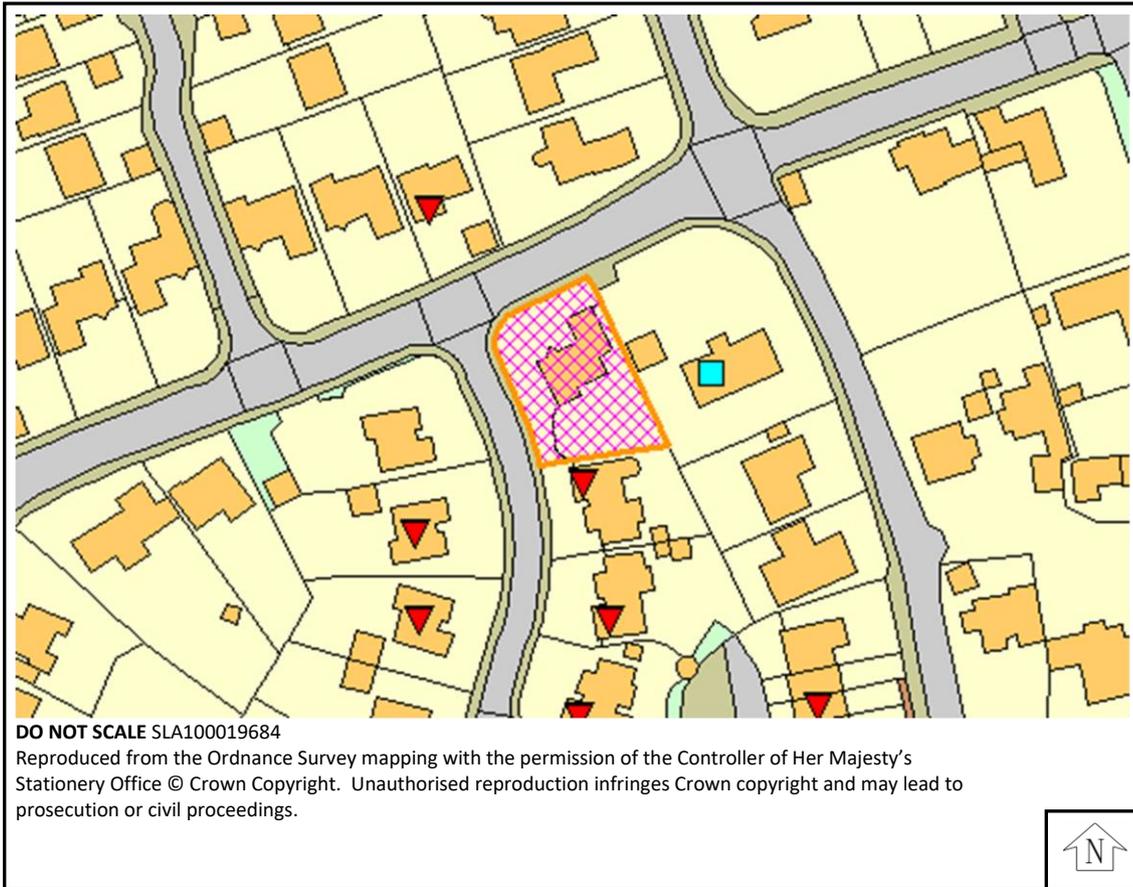
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

Background information

See application reference DC/19/4442/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q0WDZWQXG0500>

Map



Key



Notified, no comments received



Objection



Representation



Support