



## Committee Report

**Planning Committee** - 25 August 2020

**Application no** DC/20/1794/FUL

**Location**

1 College Green  
Felixstowe  
IP11 7AP

**Expiry date** 22 July 2020 (Extension of time

**Application type** Full Application

**Applicant** Mr & Mrs Aguilar-Millan

**Parish** Felixstowe

**Proposal** Single Storey Extensions with New Wall

**Case Officer** Alexis Bruns  
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### 1. Summary

- 1.1. The application seeks permission for Single storey side and rear extensions and new garden wall.
- 1.2. The side and rear extensions and a garden wall have already been granted permission on application DC/19/4442/FUL. The only change proposed through the current application is an extension in length of the garden wall.
- 1.3. The initial submission of this application included proposals for recladding on the front elevation of the property. They have since been removed from the application.
- 1.4. 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.

- 1.5. The application was reviewed at the Planning Referral Panel on 11th August 2020 which referred the item to committee, on the basis of the level of public objections, and the previous discussion surrounding the wall at Planning Advisory Panel (24th March 2020), and to enable discussion of the impacts upon visual amenity and the Conservation Area.

## **2. Site description**

- 2.1. 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.
- 2.2. The residential properties of this area are all similar in character with mock Tudor timber cladding being the prominent focal points on front gables.
- 2.3. The properties are set back from the roads so to provide open space on their frontages, which is a key characteristic of the area.

## **3. Proposal**

- 3.1. The proposal looks to extend the wall in a northerly direction towards Foxgrove Lane. It is proposed to curl the wall round to meet the front corner of the house, rather than joining on to the side extension as it did previously.
- 3.2. It was previously granted consent to be curved around to meet the side of the single storey side extension granted under application DC/19/4442/FUL.
- 3.3. This current application initially included proposals to reclad part of the front of the dwelling. That element has been removed from this application, including from the description of development.

## **4. Consultations/comments**

- 4.1. There have been 25 third party objections received raising the following material planning considerations in relation to the proposed extensions and the additional length of the garden wall:

### 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 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 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 new extended boundary wall 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.

#### 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.

4.2. 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.

4.3. The previously proposed cladding has been removed from the application, so comments that refer to that aspect of the proposal have not been included within the list above.

#### **Consultees**

##### **Parish/Town Council**

Consultee	Date consulted	Date reply received
Felixstowe Town Council	1 June 2020	22 June 2020
Summary of comments: Committee recommended REFUSAL. The proposed cladding and obtrusive wall would significantly harm the setting of this iconic development and its purposefully designed timber framing in the Conservation Area. Therefore it is contrary to NPPF paragraph 172.		

## Non statutory consultees

Consultee	Date consulted	Date reply received
Felixstowe Society	N/A	26 June 2020
<p>Summary of comments:</p> <p>Comment that they consider that the scale and form of the proposal are inappropriate in the Conservation Area setting, and would be detrimental to the character and appearance of the streetscene. Also state that the removal of the half-timbered cladding and replacement with boarding would be inconsistent with the harmonised architecture of the College Green development.</p>		

## Publicity

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

Category	Published	Expiry	Publication
Conservation Area	11 June 2020	2 July 2020	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: Conservation Area
	Date posted:
	Expiry date:

## 5. Planning policy

5.1. 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.

5.2. 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 Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) and;
- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

- 5.3. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) and Suffolk Coastal District Local Plan – Site Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) are:
- 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))

## **6. Planning considerations**

### Visual Amenity, streetscene and Conservation Area

- 6.1. The garden wall that was granted permission in application DC/19/4442/FUL is a 2m high red brick wall, with retained vegetation.
- 6.2. As explained in the proposals section of this report, the scheme has been modified during the course of the application. The 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.
- 6.3. The replacement garden wall, which remains 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 it unacceptable. I
- 6.4. The wall would be closer to Foxgrove Lane, than that previously permitted, but a significant area would remain between the back edge of the pavement and the front of the extended wall.
- 6.5. The wall would be no closer to the roadway of College Green than the previously submitted scheme. At the closest point there would be 2.5m between the garden wall and the back of the pavement on College Green. The hedge along the back edge of the pavement is also proposed to be retained which would soften views from public vantage points.
- 6.6. Whilst it is accepted that the extended garden wall would result in a visual change to the streetscene, it is proposed to be of a scale and form which reflects the existing dwelling and garden wall.
- 6.7. Therefore, the design, form, materials and location of the proposed garden wall extension are considered acceptable in terms of visual amenity, including the impact upon street scene and the character of the Conservation Area.

- 6.8. 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.
- 6.9. 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.

## **7. Conclusion**

- 7.1. The proposal for a Single Storey Extensions with 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.
- 7.2. 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.

## **8. Recommendation**

- 8.1. Application is recommended for approval subject to conditions.

### **Conditions:**

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.  
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's 2632.20.02 (Site Plan), 2669:20:03 (Proposed elevations) and 2669.20.05 (Proposed Garden Wall Elevations) all received on 15 May 2020 and the requirements of other conditions on this consent.  
Reason: For 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 in writing with the local planning authority.  
  
Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity
4. Notwithstanding what is shown on drawings 2669:20:01 (existing elevations and floor plans), 2669:20:03 (Proposed elevations) and 2669.20.05 (Proposed Garden Wall Elevations) all received 15 May 2020, the cladding on the existing house above the ground floor level windows shall be retained in its existing form (mock tudor) and shall not be replaced with

Resin Cement Boarding or any other form of cladding, unless otherwise agreed through further application to the Local Planning Authority.

Reason: In the interests of clarity as to the works hereby granted planning permission as this element was removed from the description of development but no revised plans were received for consideration during the application process.

#### **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@eastsuffolk.gov.uk](mailto:CIL@eastsuffolk.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](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

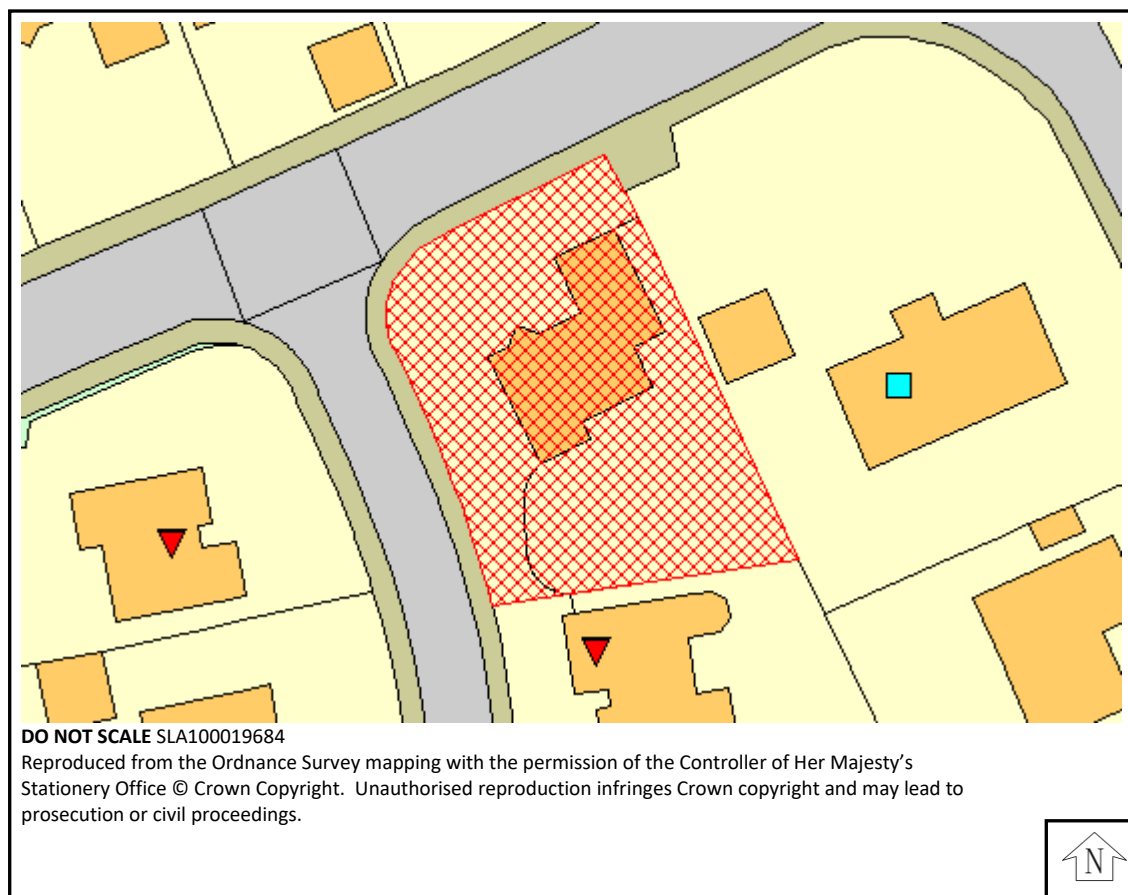
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. The applicant is hereby advised that the cladding initially proposed during this application and referred to in condition 4 would require Planning Permission. Class A of Part 1 of Schedule 2 of the General Permitted Development Order (England) 2015 (As Amended) allows for the installation of cladding, but not on dwellings within article 2(3) land, which includes Conservation Areas. This property is located within the Felixstowe Conservation Area, and therefore does not benefit from the Permitted Development Rights for the installation of cladding.





#### **Background information**

See application reference DC/20/1794/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QADLDQQXJKD00>

## Map



## Key

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