



Planning Advisory Panel – SOUTH (14 April 2020)

Delegated Report

Application no DC/20/0040/FUL

Location

4 Hackney Terrace
Melton
Suffolk
IP12 1NN

Expiry date 4 March 2020

Application type Full Application

Applicant Mandy Hearle

Parish Melton

Proposal Single House residential infill development (Plot 2) to the rear garden of 4, Hackney Terrace for 1 Bed single storey house

Case Officer Danielle Miller
01394 444594

Danielle.miller@eastsoffolk.gov.uk

Summary

Planning Permission is sought for the erection of one single storey dwelling in the rear garden of 4 Hackney Terrace and the approved attached dwelling.

The item is before the Planning Advisory Panel, because it was due to be considered by Planning Committee 24 March 2020, prior to the cancellation of the meeting, due to Government advisory restrictions on face to face meetings resulting from Covid-19.

This item was heard by the referral panel on Tuesday 25th February 2020, where the panel requested it be heard at committee given the detailed history of the site and the local support including that of the Parish Council and Ward Member contrary to officers recommendation to refuse.

It is considered that the principle of developing the site in this manner is contrary to policy DM7, and further concern is raised over the design, function and amenity of the properties along with the resulting impact on the streetscene as such Officers are minded to refuse the application.

The proposal, and indeed principle of development, would in officers mind run contrary to policies DM7, DM21, DM23 and SP15 of the local plan and the NPPF, in particular paragraphs relating to poor design.

Site description

The property & site are located at the above address on the corner at the junction of Hackney Terrace & Hackney Road. The site lies to the south end of an area bounded by Melton Road & Turnpike Road.

The site is in the centre of an established built up area consisting mainly of Victorian properties. The properties are a mixture of house types, sizes and scale with larger detached houses fronting Melton Road i.e. Highfield Cottage, Burnside, Hackney Lodge etc with a mix of terraces, semidetached villas & some small houses to the rear, mainly Victorian or Edwardian.

The site is located in the Parish of Melton but within the physical limits boundary of Woodbridge. The site falls within the Melton Road Character Area Assessment (CAA) section 3. P16-P25 of the Melton Neighbourhood Plan (MNP) January 2016.

The site occupies a corner plot with Hackney Terrace and Hackney Road forming the northern and eastern site boundaries respectively. No. 4 Hackney Terrace is a two-storey end terrace property. The property currently has a detached single-storey annexe to the side/rear.

Planning History

No.4, Hackney Terrace is a 3 bedroom end of terrace house with a later built single storey rear extension for a kitchen & bathroom plus a 1 bedroom annex.

The annex is a later addition to No.4 reference Planning Permission C98/1094 of 27 October 1998 for a single storey extension to provide a granny annex.

Planning consent DC/15/3121/FUL was granted on 9th October 2015 for the erection of an end of terrace house (Plot 1) next door to No.4 Hackney Terrace and a 1st Floor rear extension for a new bathroom to No.4. The consent included the demolition of the existing 1 bedroom annex to No.4 and part demolition of the rear single storey extension to No.4 containing the existing ground floor bathroom and WC. This permission has been materially started.

Following enforcement investigations in March 2018, a temporary planning consent DC/18/2550/FUL was granted 23 August 2018 for retention of the annex for use as an independent residential unit for a period of 3 years expiring 1st September 2021. Concern was been raised by officers over the function of the annexe as a separate dwelling, give the standard of accommodation both in terms of internal and external space, as such it was agreed that a temporary consent could be granted to give the applicant the opportunity to find alternative accommodation.

Proposal

The application seeks full planning permission for a new single storey dwelling within the garden currently associated with No.4 Hackney Terrace and the attached dwelling allowed via application DC/15/3121/FUL.

The proposed dwelling would be single storey measuring 5.2 metres in width and 9.8 metres in length. The roof is proposed to be pitched with a gable end and maximum height of 4.9 metres. The property would have a gable end facing Hackney Road, with a central window facing the street. The building is proposed to be horizontal timber clad with a brick plinth. The scheme includes a large overhang of the eaves with the front door on the western side. The building proposed is one bedroom with a separate living area.

The proposal includes one parking space for both the proposed dwelling and that approved under DC/15/3121/FUL. The parking for the already approved dwelling would be an inset space to the south of the plot parallel to Hackney Terrace. The proposed plot would have provisions for one parking space to the east accessed off Hackney Terrace, neither space allows space to manoeuvre on site.

Consultations/comments

One letter of objection that raises the following key concerns:

- The proposed design relates poorly to adjacent properties and adversely affects the street scene.
- There are no other examples of this type of housing in the locality.
- The garden shapes, sizes and curtilages of the proposed plots 1 and 2 do not reflect the pattern, outline, or scale of adjoining gardens.
- The cramped nature and small curtilage of plots 1 and 2 detract from their surrounding and are out of character with the locality.
- Loss of amenity to Felbrigg Cottage
- There is no dedicated surface water drainage system in Hackney Road or Hackney Terrace.

Three letters of support that raise the following key points:

- The application will result improve the appearance of the street as the existing paraphilia at the site will be removed and the approved building will be completed.
- Consider the proposal is a very suitable building for the space available.
- Welcome the construction of an "affordable dwelling" in the neighbourhood where there are so few, if any at all. At present this site is not being used to its full potential and this proposed construction of a small house would seem to be an ideal solution.

Consultees
Parish/Town Council

Consultee	Date consulted	Date reply received
Melton Parish Council	9 January 2020	29 January 2020
Summary of comments: <i>"This application was considered by Melton Parish Council Planning and Transport Committee at its meeting on 22 January 2020. It was resolved to recommend approval of the application, as Melton PC Planning and Transport Committee considers the application to be in line with the National Planning Policy Framework, the former Suffolk Coastal District Core Strategy and Development Management policies, the Final Draft Local Plan, and the Melton Neighbourhood Plan, and it is not aware of any objections from residents."</i>		

Publicity

None

Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 15 January 2020

Expiry date: 5 February 2020

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.
- Neighbourhood Plans where adopted.

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))

SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP27 - Key and Local Services Centres (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM7 - Infilling and Backland Development within Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM19 - Parking Standards (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 relevant policies of the Melton Neighbourhood Plan are:

MEL1 - Physical Limits Boundaries (Melton Neighbourhood Plan - 'Made' January 2018)

MEL17 - Character Areas (Melton Neighbourhood Plan - 'Made' January 2018)

The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination .

Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). There are no policies of that nature relevant to the consideration of this application.

Planning considerations

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise, in this instance the council are determining the application under policies listed in the Suffolk Coastal District Local Plan, Development Plan Document July 2013, and will have reference to national guidance contained within the NPPF.

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications that accord with the policies in the local plan and other relevant policy documents will be approved unless material considerations indicate otherwise.

New housing will firstly and primarily be directed to and integrated within the settlements for which physical limits boundaries have been defined or in accordance with Policy SP19.

The site is contained in the settlement boundary (as per Melton Neighbourhood Plan Policy MEL1) and thus there is a presumption in favour of development insofar that the proposal is acceptable with regards to residential amenity and responds positively to the character of the area. Principle of development within residential curtilages is also endorsed by policy DM7 of the Local Plan, subject to a series of criteria being met.

Policy DM7 allows proposals for the sub-division of plots to provide additional dwellings providing it would not result in a cramped form of development out of character with the area of street scene; would not result in unsatisfactory types of backland development that would significantly reduce the residential amenity; appropriate provision is made for a reasonable size curtilage for the existing buildings and those proposed.

In this instance the proposals fail to meet the criteria listed within DM7, as it would result in a cramped form of development which, due to the overall design and appearance of the dwellings

and parking provisions, would be out of character with the area and have a negative impact on the streetscene.

Design; Appearance and Impact on Surrounding Area

Both roads (Hackney Terrace and Hackney Road) display a strong degree of uniformity in the grouping of types of dwelling and their layout. The proposed bungalow would be most closely associated visually with Fillbrigg Cottage, a two storey Victorian property and that of the approved property under application DC/15/3121/FUL. These properties like others in the two roads are laid out in traditional plan form with dwellings on a consistent building line fronting the road, with relatively long plots and, therefore, good-sized rear gardens.

The site falls within the Melton Road Character Area as set out in the Melton Neighbourhood Plan policy MEL17. Particular issues raised by the community of Melton are the concern that infill development in particular could serve to inappropriately increase the density of development and harm the character of the neighbourhood plan area.

It is considered important that infill development, whilst generally acceptable within the physical limits boundaries, must be designed so that it sits appropriately within its surroundings. The particular issues that must be considered are Plot Width; Building Line; Visual Separation; Building Height; Daylight and Sunlight; Parking and Access Arrangements; Boundary Treatment.

In the instance of this proposal particular attention is paid to Plot Width; Building height and Visual Separation. In that new dwellings must have similar spacing between buildings to that commonly found on the street frontage, the building height should reflect the height of existing buildings and the plot must be of sufficient width to allow buildings to be sited with adequate separation between dwellings.

Officers consider that the proposal fails to meet the criteria noted in policy MEL17 in that the development does not protect the amenity of its neighbour; nor does it reflect the scale, mass, height and form of neighbouring properties and it does not contribute positively to the features of the respective character areas.

The proposed dwelling would be dissimilar in scale and appearance to the neighbouring properties, it would be sited on a significantly smaller plot than these dwellings and others in the surrounding area; included that approved adjoining No 4 Hackney Terrace. As such, its layout and position would be uncharacteristic and incongruous in the otherwise uniform setting of properties with much larger plot sizes.

The applicant refers to a number of other examples of outbuildings and other residential development in the locality, but there are none evident in the immediate area. Whilst it has been argued that the design of the property would reflect that of an outbuilding, this proposal is for a new separate dwelling which would be required to make its own street presence as such. An outbuilding design in this instance is not suitable for the proposal of a new residential property in this location.

Whilst it is acknowledged that the proposal would yield a small unit of accommodation, a one bedroom dwelling, Officers are of the view that reducing the gardens to the two existing properties (No 4 Hackney Terrace and that approved adjoining it) would have a harmful impact on the character of the area. The resulting two properties would, in Officers opinion, retain garden spaces below the size suitable for those dwellings which gives an impression of the development being cramped and the site being over-developed.

Furthermore, in a streetscene, (which at that point is characterised by two storey dwellings, with the main frontage facing the road) the insertion of a small single storey dwelling is out of character in this locality. The detailing of the building as presented does nothing to positively address the streetscene or draw on the detailing of the nearby buildings. This, therefore, would amount to an alien and unsympathetic addition in the streetscene.

The scheme is therefore contrary to Policies SP15, DM7 and DM21 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document, and Policy MEL17 of the Neighbourhood Plan.

Residential Amenity

The single storey nature of the design would ensure that there would be no direct overlooking from the proposed property into the neighbouring gardens. However, there will be a degree of overlooking from the rear first floor window of no 4 into the minimal private amenity space afforded to the proposed property. The cramped nature of the development in this instance is considered by officers to create an unacceptable physical relations between No 4; and the approved Plot 1 dwelling on Hackney Terrace and Fellbrigg Cottage on Hackney Road.

In this instance officers consider that the development would cause an unacceptable loss of amenity to adjoining and future occupiers of the developments by way of reduced garden space, and an unacceptable resultant physical relationship between properties which overall create a cramped form of development in an area where the prevailing pattern of development does not match that proposed. The scheme is therefore contrary to the requirements of policy DM23 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document.

Highway Safety and Parking Provision

One parking space is provided for both the proposed dwelling and that approved under DC/15/3121/FUL. Given the size of the property one parking space is considered acceptable. The approved dwelling under DC/15/3121/FUL was permitted with only one parking space as such this arrangement has already been considered suitable to the council. No. 4 Hackney Terrace would not have any off road parking. Hackney Road and Hackney Terrace are believed to be privately owned with no public right of way and un-adopted.

No. 4 Hackney Terrace does not currently benefit from any off-road parking space although it would currently be possible to provide this facility on the site if required. As Hackney Road and Hackney Terrace are not adopted, there is no restriction on on-street parking.

The Highways Authority do not have any objections in relation to the lack of on-site parking for No. 4 Hackney Terrace, or indeed the parking arrangements proposed within this application. Therefore the scheme is considered acceptable in terms of highway safety and parking provision.

Habitats Assessment

The site is within the Suffolk RAMS Zone of Influence (Zone B) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is be required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites).

The Habitats Regulations Assessment Recreational Avoidance and Mitigation Strategy (HRA RAM Strategy), hereafter referred to as 'the Strategy' is a means by which sustainable housing growth can be delivered in Ipswich Borough, Babergh District, Mid Suffolk District, Waveney District and Suffolk Coastal District, facilitating development whilst at the same time adequately protecting European wildlife sites from harm that could otherwise potentially occur because of increased recreation pressure arising from the new housing growth.

It is anticipated that such development in this area, is likely to have a significant effect upon the interest features of the aforementioned designated site through increased recreational pressure. It is anticipated that new development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated site(s), when considered in combination, through increased recreational pressure. The applicant has not provided any information in relation to potential disturbances caused by the development on the SPA or Ramsar sites as such Officers have been unable to carry out a suitable assessment to conclude that the proposals would not have an impact or require mitigation measures, this would be a requirement under Article 6(3) of the Habitats Directive. Regulation 42 of the 2011 Regulations requires a screening for appropriate assessments to be carried out whether or not a proposal individually or in combination with other plans or projects is likely to have a significant effect on the European site, before consent could be granted.

Whilst the site does currently have permission for the existing dwelling (no 4), a new dwelling (plot 1) and an annex, that relating to the annex is temporary. There is only approval on this site for two residential units on a permanent basis. The proposal would create one additional permanent residential unit which would have a negative impact as set out above.

Local Policy DM27 seeks to support the Article 6(3) directive where proposals that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas will not be permitted unless prevention, mitigation and where appropriate compensation measures are provided such that net impacts are reduced to a level below which the impacts no longer outweigh the benefits of development,

given that no assessment has been undertaken by the applicant in this instance the proposals are considered contrary to Policy DM27 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document.

Community Infrastructure Levy (CIL)

As this application is a full application for a dwelling, the development will be liable for the Community Infrastructure Levy (CIL).

The Planning Balance

The development seeks to boost the supply of housing by one small unit of accommodation, one bedroom, which would result in very minimal support for local services and facilities, both during construction and when the building is occupied, furthermore it is not proposed that this house be available on an affordable nature, it is indeed a property for the applicant, who currently resides in the annexe to move into (although it could be sold on the open market in the future).

It has been found that the proposed development would be contrary to the Development Plan in that it would result in an cramped form of development, with a negative impact on the character of the area and neighbouring amenity by way of the resultant physical relationship between the buildings. There are no other material considerations that indicate a decision should be made other than in accordance with the Development Plan.

Conclusion

It is considered that the principle of developing the site in this manner is contrary to policy DM7, and further concern is raised over the design, function and amenity of the properties along with the resulting impact on the streetscene as such the application is recommended for refusal.

The proposal, and indeed principle of development, would in officers mind run contrary to policies DM7, DM21 and DM23 of the local plan, the NPP (in particular paragraphs relating to poor design) and Policy MEL17 of the Melton Neighbourhood Plan.

Recommendation

Recommendation of refusal.

The reasons for the decision to refuse permission are:

1. Hackney Terrance and Hackney Road display a strong degree of uniformity in the grouping of types of dwelling and their layout. The proposed bungalow would be most closely associated visually with Fillbrigg Cottage, a two storey Victorian property and that of the approved property under application DC/15/3121/FUL. The proposed dwelling would be dissimilar in scale and appearance to the neighbouring properties, it would be sited on a significantly

smaller plot than these dwellings and others in the surrounding area; included that approved adjoining No 4 Hackney Terrace. As such, its layout and position would be uncharacteristic and incongruous in the otherwise uniform setting of properties with much larger plot sizes.

The resulting two properties would retain garden spaces below the size suitable for those dwellings which gives an impression of the development being cramped and the site being over-developed. Furthermore, in a streetscene, (which at that point is characterised by two storey dwellings, with the main frontage facing the road) the insertion of a small single storey dwelling is out of character. The detailing of the building as presented does nothing to positively address the streetscene or draw on the detailing of the nearby buildings. This, therefore, would amount to an alien and unsympathetic addition in the streetscene.

The proposal, and indeed principle of development, would run contrary to policies SP15, DM7, DM21 and DM23 of the local plan; Policy MEL17 of the Melton Neighbourhood Plan and the NPPF, in particular paragraphs relating to poor design.

2. The development falls within the 13km protection zone of European Designated Sites. As set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Local policy DM27 seeks to support the Article 6(3) of the Habitats Directive where proposals that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas will not be permitted unless prevention, mitigation and where appropriate compensation measures are provided such that net impacts are reduced to a level below which the impacts no longer outweigh the benefits of development, the applicant has failed to submit relevant information in relation to potential disturbance caused by additional visitors to the European Designated Sites, or that there would be no harm or adverse impact, as such no screening assessment has been undertaken which is contrary to Regulation 42 of the 2011 Regulations which as a result the proposals are considered contrary to Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document Policy DM27 and Section 15 of the NPPF.

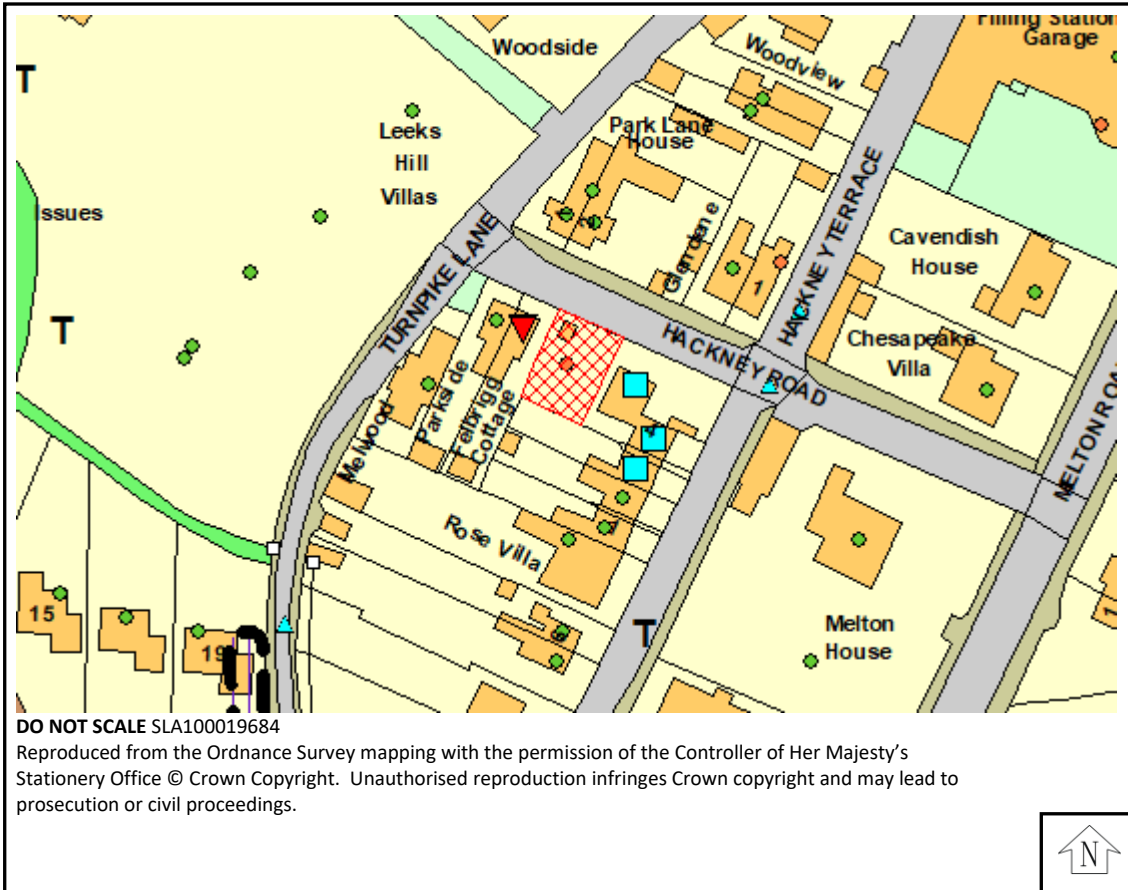
Informatives:

1. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.





Background information

See application reference DC/20/0040/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q3QJTDQXGYI00>

Map



Key

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