

Parish: HADLEIGH

Location: 17 Benton Street, Hadleigh, Ipswich

Proposal: Erection of two story detached dwelling (following demolition of existing garage)

Applicant: Mr J Simmons

Case Officer: Graham Chamberlain

Date for Determination: 12.02.2010

This application is reported to Committee at the request of Cllr Whiting. A site visit inspection was undertaken by Members of the Development Committee on the 27th January 2010 to assess the impact of the proposal upon the character of the area.

THE SITE

1. The property is a Listed Building located towards the northern end of Benton Street in close proximity to Tinkers Lane. The site area is a parcel of land to the south side of the Listed Building which is currently used for parking. The site comprises of a garage, open area of ground and wall facing the road. The wall is a pleasing element of the Conservation Area. Behind the wall is soft landscaping.
2. On the southern side of the garage is 23 Benton Street and its parking area. This property is set back from the road. The combination of this set back and the open site provides a break in the tight form of the development along Benton Street.
3. The property at 23 Benton Street is not listed. The building to the south, No 29 is however one of a row of Listed Buildings. To the north No 17 is also part of a row of Listed Buildings. To the east of the site is White House - a more modern property. The White House is located on slightly higher land. The occupants of the White House have a right of way to access their property. To the west of the site is a row of three storey unlisted cottages.
4. The site is located within the Built up Area Boundary of Hadleigh and is also within the Hadleigh Conservation Area and an area of high archaeological potential.

THE PROPOSAL

5. The proposal is for the demolition of the existing garage and the erection of a detached 1 bed cottage style dwelling. The building would be set back from the road by approximately 7m with two parking spaces between the house and wall. One of the parking spaces would serve 17 Benton Street and the other the proposed dwelling. A small amenity space would be provided to the front which will be enclosed by a 1m high timber palisade fence. A shed would be provided to the side and there would also be room for two wheelie bins. The wall to the front would be retained as would the planting to the front and side.
6. The dimensions are as follows:-

Height - 7m
Width - 8.1m
Depth – 6.2m
Floor area - 84sqm

7. The applicant has indicated that his mother may occupy the dwelling at first; however this is not an application for an annex. The proposal is for an open market house. The application is supported by a Design and Access Statement and a Phase 1 Contaminated Land Assessment (without site walkover). These documents can be viewed before the meeting by arrangement with the case officer.

RELEVANT HISTORY

8. The most relevant application is B/05/01849. This was an application made by the occupants of the White House for a detached two bedroom dwelling (the current application is made by the occupants of 17 Benton Street). It was refused by the Council and the subsequent appeal dismissed. The Inspector made a number of comments which are relevant to the current application:-
- The openness of the site is important as it enables views of the side elevations of the adjoining listed buildings (the proposal had been tight to the back of the wall forming the front boundary of the site)
 - The dwelling would have been too large for the plot and would have had a discordant appearance being located between important listed buildings.
 - A dwelling here was not found to harm neighbour amenity
 - A dwelling here was not found to be harmful to highway safety and the Inspector was of the opinion that it was not necessary to widen the wall to facilitate the slight increase in traffic.
9. In essence the proposal was refused due to the impact on the setting of Listed Buildings. The principle of a dwelling was not ruled out by the Inspector. The harm identified was a result of the specific scheme proposed, namely the scale of the dwelling (being a dominant modern addition to the street scene) and its position within the plot.

NATIONAL GUIDANCE

10. **PPS1** (Delivering Sustainable Development)
11. **PPS3** (Housing)
12. **PPS23** (Planning and Pollution Control)
13. **PPG15** (Planning and the Historic Environment)

PLANNING POLICIES

14. 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
- **HS28** Infilling

- **HS32** Open Space
- **TP15** Parking
- **CN08** Conservation Areas
- **CN06** Listed Buildings

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

CONSULTATIONS

15. Hadleigh Town Council – Approval was recommended (Voting was 8 for and 1 abstention)
16. Local Highway Authority – Recommends refusal - The access is not wide enough to enable cars to pass, this would result in vehicles waiting in Benton Street. The proposal does not offer sufficient pedestrian visibility and parking would be displaced. The applicant may be able to overcome this objection if the access is widened to 4.5m with pedestrian visibility and the parking arrangement clarified.
17. County Archaeologist – No objection subject to a standard PPG16 Para 30 condition requiring a scheme of archaeological investigation.
18. BDC Contaminated Land Officer – No objection - the report submit demonstrates the risk of contaminates is low.

REPRESENTATIONS

19. Five letters of objection have been received raising the following points:-
 - Concerns by increase in traffic
 - The old and the new would jar
 - Adverse impact on street scene
 - Benton Street is 'full'
 - Adverse impact on White House - caused by tandem development enclosing the outlook from White House
 - Adverse impact on the Conservation Area
 - Development of land which should remain undeveloped
 - Adverse impact on neighbour amenity

PLANNING CONSIDERATIONS

Principal of Development

20. The proposal is for the erection of a dwelling in the Hadleigh built up area. Therefore, the principle can be supported within the context of PPS and Local Plan Policies HS01 and PPS3 subject to the relevant criteria being met and adherence to the other relevant policies set out earlier in this report.

Design and Impact on Character

21. Policies HS28 and CN01 of the Local Plan require 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.

22. 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
 - The proposal would be of a scale, density or form which would be out of keeping with the surrounding area.
23. At present the site largely undeveloped. The garage is located to the rear of the site, but the site remains open in character enabling the side elevations of the listed buildings to the north and south to be exposed to the public realm. It also allows some soft landscaping into the street scene which helps soften the impact of properties being tight to the back of the footpath. The site also provides an interesting gap in the built up frontage of Benton Street which is a key component of the areas character. To an extent the undeveloped nature of the site is important to the character of the area.
24. In this instance however, the contribution of the undeveloped nature of the site can be safeguarded by locating the house towards the back of the site in the location of the existing garage. This would retain the break in the frontage development, allowing space for soft landscaping and would safeguard views of the Listed Buildings to the side. It is also important to note that the Inspector when dismissing the 2005 appeal for a dwelling on this site did not rule out the principle of development. Furthermore the contaminated land survey has shown that there is a low risk of contamination. In light of this officers are of the opinion that the site can be developed, therefore the first point in Policy HS28 is met.
25. 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 over development and the form, scale and design of what is proposed.
26. The red line site area is approximately 0.035ha (including 17 Benton Street), the site of the dwelling is 0.0132ha. This gives respective densities of 57dph and 75dph. These densities are quite high, particular when only the proposed curtilage of the dwelling is considered.
27. 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. A scheme can have a high density but still sit comfortably in its plot and the street scene. Other indicators of over development are whether there is a cramped appearance, contrived design or an under provision of amenity space and parking.
28. Benton Street is characterised by a feeling of enclosure and high density development. The properties are tight to the road filling their respective plots. The dwelling fills the width of the plot but in this instance, this relationship between the plot and dwelling is not out of character. The scale of the house has been designed to complement the buildings either side with the ridge and eaves height equal to or below surrounding development. The set back and retention of planting will also enable the dwelling to fade into the street scene blending in within regard to scale, design and materials. The development is not considered to be an over development.
29. The proposal is for a 1 bedroom cottage; therefore a single parking space is sufficient. There is also a proportionate amenity area. There is space for bins and a shed. The development has the necessary facilities. The layout therefore proposes a reasonable standard of garden size and amenity.

30. The design is not contrived to fit the space. The applicant has been able to 'de-code' the street scene and provides a dwelling which is considered to be in scale with its surroundings and aesthetically complement the buildings either side (the design has been based on a vernacular cottage and directly echoes the buildings in the vicinity). The design responds to the constraints of the site. The dwelling should have acceptable internal accommodation and the proposal would have no adverse impact on neighbour amenity. The scale, density and form is considered to be acceptable.
31. The materials proposed are red brick plinth walls with a rendered finish. The detailing complements the period style with pentice boards above the windows a chimney (dummy chimney in line with the gable, timber windows and high quality materials. It is recommended that the materials and architectural detailing is conditioned if the application is approved. The proposal would maintain local distinctiveness adhering to Policy CN01.
32. The applicant has taking into consideration the change in levels having shown this on a section through the site. The building has been designed to reduce the impact and keep the scale down even with a rise in lane. The low eaves height and accommodation in the roof void ensures the change in levels will not be an adverse constraint on development. The building would be built up to gain a level ground floor rather than being cut into the land. This better complements the character of the development, as if the building was cut into the land and still at the height proposed, it could appear larger than the dwellings either side.
33. Subject to conditions, the overall scale of the dwellings, and the aesthetic appearance, would result in a positive addition to the street scene. The development as proposed would be of a scale and form that is in keeping with adjacent buildings (Policy HS28), does not represents a harmful over development of the site (Policy HS28) and pays particular attention to the nature of adjacent development (Policy CN01).

Impact on the Conservation Area/Conservation Area Consent

34. The current garage building is of little historic or architectural merit. It is a 20th century addition to the street scene which has awkward proportions and is quite prominent. Its replacement is supported. For the reasons set out above (acceptable scale, proportions and design) the proposed scheme will be a positive enhancement of the street scene. The period style concept is the correct approach here. The design is not contrived having integrity to the materials and form. The scale will enable the building to blend in with its surroundings.
35. The development would also safeguard the wall to the front of the site and the gap in the street scene which provides relief and articulation to the tight frontage development. To this end the development will preserve the character of the Conservation Area and to some extent enhance it by removing the garage and screening the White House from public view - both modern additions.
36. The parking to the front of the site is not an ideal solution and would not normally be supported. However in this instance the two parking spaces proposed are already in use for parking - the application will retain the status quo. The wall and landscaping to the front will soften the impact of the cars. Conditions are recommended safeguarding these elements.
37. In summary the development safeguards and enhances the appearance of the conservation area as required by PPG15 and Policy CN08.

Impact on Listed Buildings

38. The proposal will have no direct impact on the fabric of any listed buildings; the impact would be on the setting of the adjoining listed buildings. This issue was the main reason for the failure of the 2005 appeal. By setting the building back and reducing the scale the applicant has addressed the Inspectors concerns. The buildings will sit more comfortably with the Listed Buildings and its position safeguards views of the side elevations. The Historic Buildings Officer has assessed the proposal and is of the opinion that there is no harm to the setting of any listed buildings. The functioning of 17 Benton Street will not be compromised; it would still retain a parking space and separate garden. The proposal therefore complies with Policy CN06 and national guidance in PPG15. It is recommended that conditions are added regarding the detailing and the windows and doors so that the final design retains the integrity of the proposed design.

Highways and Parking

39. The Local Highway Authority have recommended refusal stating that the access is not wide enough due to the wall at the front of the site; however they have not commented on the Inspectors conclusion in 2005 which is that,

'I am unconvinced that the slight increase in traffic using the access would be noticeable or that the widening of the access would be necessary as a result.'

40. The access is used by two properties, the addition of a 1 bedroom house would have a very limited impact on vehicular movements and would have less impact than that assessed by the Inspector (the previous scheme was for a two bed dwelling). Officers are therefore of the opinion that the LHA's objection, in this instance, can not be sustained and that no part of the wall needs to be demolished.
41. The applicants are proposing one parking space for the property and one to be retained to serve 17 Benton Street. As the properties would be located in the town centre, within a comfortable walking distance (400m) of facilities and recreation, a reduced parking requirement is acceptable. On street parking would not be possible due to double yellow lines. A recent development at 2A Station Road for two dwellings was approved by the Council with no parking (this is a similar distance to the town centre).

Impact on Neighbour Amenity

42. The proposed building would not have any adverse impact on neighbour amenity. The inspector in 2005 found no harm to neighbour amenity and this was a larger dwelling. The building would be set sufficiently forward of the White House to ensure there is no loss of light or outlook. The windows within the proposed dwelling have been carefully designed to ensure there is no over looking. The building would not be over bearing being level with the building line of Owl Cottage (No 23). The intensification would not result in unreasonable noise and disturbance.

Open Space

43. At the time of writing this report a Section 106 Agreement relating to an open space provision had not been finalised. This is a reason for refusal in itself under Policy HS32. However in this instance, Officers are of the opinion that it would be reasonable to allow the applicant an extension of time to finalise the agreement. The recommendation takes this into account.

Reason for Approval

Subject to the attached conditions, the proposed development is considered to have no adverse impact on the conservation area, archaeology, the street scene, the character of the area, neighbour amenity or highway safety. The development therefore adheres to saved Policies HS28, HS27, CN08, CN06 and CN01 of the Babergh District Local Plan Alt 2 (2006) and national guidance in PPS1, PPG16, PPG15 and PPS3.

RECOMMENDATION

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to provide:
 - An planning obligation towards recreation provision under Policy HS32
- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above to the satisfaction of the Solicitor to the Council, the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:
 - Standard time limit
 - Details of materials (including timber windows and doors instead of UPVC)
 - As recommended by BDC Environmental Protection
 - Control over demolition
 - As recommended by the LHA
 - Removal of PD rights to alter the front elevation
- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured within a reasonable time period, the Chief Planning Control Officer be authorised to refuse planning permission for the following reason:
 - The absence of a S106 Agreement relating to public open space (Policy HS32).