

Parish: SUDBURY

Location: 5 St Bartholomews Lane

Proposal: Erection of detached two-storey dwelling and attached garage

Applicant: Mr and Mrs Younger

Case Officer: Elizabeth Truscott

Date for Determination: 14 July 2009

THE SITE

1. St Bartholomews Lane is a residential no through road within the Built up Area of Sudbury. It comprises a mix of dwellings of different designs and periods and is characterised by a strong building line. 5 St Bartholomews Lane is a detached two storey dwelling, with a large side garden, previously part of the rear garden of 138 Melford Road. To the front of the side garden is a 2.5 metre hedge. To the rear of the site is 140 Melford Road.

THE PROPOSAL

2. The application is for the erection of a detached, three bedroom, two storey dwelling and attached garage. The proposed dwelling is characterised by a narrow frontage and deep form, with a small garden to the side. A single storey element, in line with 5 St Bartholomews Lane would comprise a single garage and entrance. To the front would be space for parking and turning of vehicles. The property would be constructed using clay pantiles and facing brickwork.

RELEVANT HISTORY

3. B/85/00794: Outline – erection of dwelling and construction of vehicular access – (delegated decision) - REFUSED.

NATIONAL GUIDANCE

4. **PPS 1** (Delivering Sustainable Development)
5. **PPS3** (Housing)

PLANNING POLICIES

6. 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 - 2008:

- **ENV7** (Quality in the Built Environment)

Babergh Local Plan (Alteration No. 2) 2006

- **CN01** (New Development)
- **HS01** (Towns)
- **HS27** (Housing Density)
- **HS28** (Infilling)
- **HS32** (Open Space)

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

CONSULTATIONS

7. TC: Approve – called for a committee review due to the fact that the application was originally refused by the office when pre application enquiries were made due to reasons of overdevelopment of the site. A smaller design has been submitted but we do not have details of the size of the original pre application design.
8. LHA: Recommend conditions

REPRESENTATIONS

9. One letter of objection from a neighbouring property has been received referring to the following issues:
 - will result in loss of privacy
10. Also states that there is a covenant on the land which restricts development on the site.
11. A further letter provides comments regarding boundary fencing and suggested conditions.

PLANNING CONSIDERATIONS

Principle of development

12. The proposal is for the erection of one house in the Sudbury built up area. The proposal is the reuse of land currently used as garden and therefore considered to be previously developed. Therefore, in accordance with Policy HS01 and PPS3, the principle of the development is acceptable subject to compliance with relevant planning policies referred to below.

Impact on the character of the area

13. Policy CN01 and HS28 require new dwellings to be in keeping with the character of the locality. The proposed dwelling does not respect the character of St Bartholomews Lane, it would be set significantly forward of the other dwellings on the road. Its form, consisting of a narrow frontage would also be out of character with the surrounding dwellings. This area of Sudbury is relatively low density, the proposed dwelling would be situated on a small plot, with little private amenity space. As such it is considered that the proposed dwelling represents overdevelopment and out of character with the locality, contrary to policies CN01 and HS28.

Impact on residential amenity

14. Policies HS01 and HS28 require new housing developments to maintain a reasonable standard of residential amenity. Amenity in this instance normally refers to loss of light, over bearing and over looking. It can also refer to the amenity of future occupants of any dwelling as well, therefore other issues such as noise, the provision of private amenity space and the general conditions afforded future occupants needs to be considered. Although the proposed garden will be relatively small for a three bed dwelling, at 110m², it is not so small as to warrant a refusal on this ground.
15. The proposed dwelling has been designed that the first floor windows would face forward and towards the host dwelling, 5 St Bartholomews Lane. As such, the neighbouring properties 138 and 140 Melford Road would be protected from overlooking. 5 St Batholomews Lane has two windows to the side which serve bedrooms. The proposed dwelling would have bedroom windows facing across to the bedrooms of 5 St Bartholomews Lane at a distance of 10 metres. This is considered detrimental to the privacy of both dwellings.

RECOMMENDATION

That planning permission be refused for the following reasons:-

- The proposed development, including the erection of a two storey dwelling and attached garage would be would be contrary to saved policies CN01 and HS28 of the Babergh Local Plan 2006 which state that new development should not be detrimental to the character of the locality. The position and form of the proposed dwelling, resulting is a dwelling significantly forward of the dwellings on St Bartholomews Road, with a narrow frontage, would not be in keeping with the character of the area..
- The proposed development would be contrary to saved policies CN01 and HS28 of the Babergh Local Plan 2006 which states that new development should not be detrimental to the amenities of neighbouring properties. The position of the new dwelling, and the location of windows in the side elevation, in relation to 5 St Bartholomews Lane would lead to an unacceptable degree of overlooking from the first floor windows, which would be detrimental to amenity of occupiers of 5 St Bartholomews Lane and the new dwelling.