

Application No: DC/23/0412/FUL

AGENT

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APPLICANT

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Ellis Estates
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Market Hill
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Date Registered: 15 March 2023

Date of Decision: 12 May 2023

Town And Country Planning Act 1990 (as Amended)

**Town & Country Planning (Development Management Procedure)
(England) Order 2015**

PROPOSAL **Planning application - residential building of multiple
occupancy (HMO) providing six residents rooms and a
communal area**

LOCATION **Land Rear Of, 5 Wratting Road, Haverhill, Suffolk**

Permission is hereby **REFUSED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development proposed in the application shown above.

The reason(s) for the Council's decision to refuse permission are/is:

- 1 Policies DM2, DM22, CS3 and the provisions of the NPPF require that proposals should recognise and address key features and characteristics of an area. They should maintain a sense of place and should produce designs that respect the character, scale, density and massing of the locality. DM2 also requires proposals to not adversely affect neighbouring amenity in terms of overshadowing, loss of light and over-bearing impacts.

Policy CS3 (Design Quality and Local Distinctiveness), requires proposals to reinforce local distinctiveness and states that "Design that does not

demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable."

The building is, in and of itself, attractively designed, with a pleasant form and uses a range of appropriate materials. These are therefore factors that weigh, moderately, in favour of development. However, the site is positioned in a location where a diminishing scale might reasonably be expected beyond the principal buildings facing Cangle Junction. The street scene plan indicates that the building will in fact be notably and materially taller than those along the principal frontage, and that this will be further exacerbated by the change in levels. It will also be positioned materially closer to the road frontage than others, and modestly forward of the building line taken along the flank of No. 5, and with a footprint to plot size ratio that highlights the excessive demands being placed on this small plot. Whilst individually these factors might not be considered fatal, cumulatively, there is strong concern that the development will appear over dominant as well as cramped and contrived in this context, leading to harm to the character and appearance of the area.

The proposal also fills the majority of the plot and given the width and narrow nature of the plot it is considered to result in a building that will appear too prominent on the streetscene in a way that is forward of the build line and very close to the roadside along what is a narrow access road.

The proposal is therefore contrary to Policies DM2, DM22 and CS3 as well as to the requirements of Para. 134 of the NPPF

- 2 Policy DM2 requires that proposals do not adversely affect residential amenity, in terms of overlooking, overshadowing or loss of light. This supports similar provisions within the NPPF.

The rear of the building is positioned approximately 14 metres from the rear elevation of the flatted accommodation to the southwest. Given the scale of this proposed building, the close proximity to other properties, the position close to the boundary, and given the notable fall in levels to the offsite flats it will increase the perception of bulk and height. The site level drop between the proposal and the referenced offsite flats is approximately 1.3 metres which is considered significant, and which exacerbates the sense of oppression and overbearing impact on outlook from these off site properties. Whilst the amended scheme demonstrates some articulation by way of breaking up the expansive rear elevation with the use of mock windows, the design does include two opaque windows at first floor and multiple windows on the principal elevation. Noting the positioning of the proposal on the streetscene the effect upon amenity is also therefore considered adverse with regards in particular to the potential for overlooking to the gardens of the flatted accommodation at numbers 7, 9 and 11 Wrattling Road.

Consequently, strong concerns are raised about the suitability of this scheme in terms of its effects upon amenity and the degree to which, therefore, that it complies with the provisions of DM2 and the NPPF. The roof form is noted, but the physical proximity to offsite dwellings is considered too modest, such that the impacts upon amenity in terms of outlook from the flats to this proposal are considered significant, and such that the proximity and relationship of elevated windows to offsite gardens will also lead to a material adverse impact upon amenity, proving contrary to the provisions of Policy DM2 and to those of the NPPF.

Taken together, these are further factors which support an argument that the development is asking too much of such a limited and physically constrained site given the modest physical parameters of the plot and the contrived and awkward nature of the proposal. As a result, the proposal does not accord with the aforementioned Policies.

This decision relates to the following document and drawing references:

Reference No:	Plan Type	Date Received
21040-01 C	Location plan	10.03.2023
21040-04 C	Proposed block plan	10.03.2023
21040-05 B	Proposed elevations & floor plans	10.03.2023

The Following policies are considered relevant to the current decision:

Development Management Policy DM1 Presumption in Favour of Sustainable Development
Development Management Policy DM2 Creating Places Development Principles and Local Distinctiveness
Development Management Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
Development Management Policy DM11 Protected Species
Development Management Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
Development Management Policy DM13 Landscape Features
Development Management Policy DM17 Conservation Areas
Development Management Policy DM22 Residential Design
Development Management Policy DM23 Special Housing Needs
Development Management Policy DM46 Parking Standards
Core Strategy Policy CS3 - Design and Local Distinctiveness
NPPF 2021

Informatives:

- 1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the Local Planning Authority attempted to discuss its concerns with the applicant but was not able to secure the necessary improvements to the scheme that may have enabled the proposals to be approved.

Rachel Almond

Rachel Almond
Service Manager (Planning - Development)

Date: 12 May 2023

NOTES

1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78
Town and Country Planning Act 1990

Listed Building Applications: Section 20
Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78
Town and Country Planning Act 1990 Regulation 15
Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made online at <https://www.gov.uk/appeal-planning-decision>. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2 If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

3. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.