

# Planning, Design & Access Statement to accompany a full planning application for single storey rear extension at 11 Edgar Avenue, Stowmarket IP14 2EF

## PROPOSED: EAST (REAR) ELEVATION - LIGHT OCCLUSION 45° TEST

11 Edgar Avenue, Stowmarket, IP14 2EF



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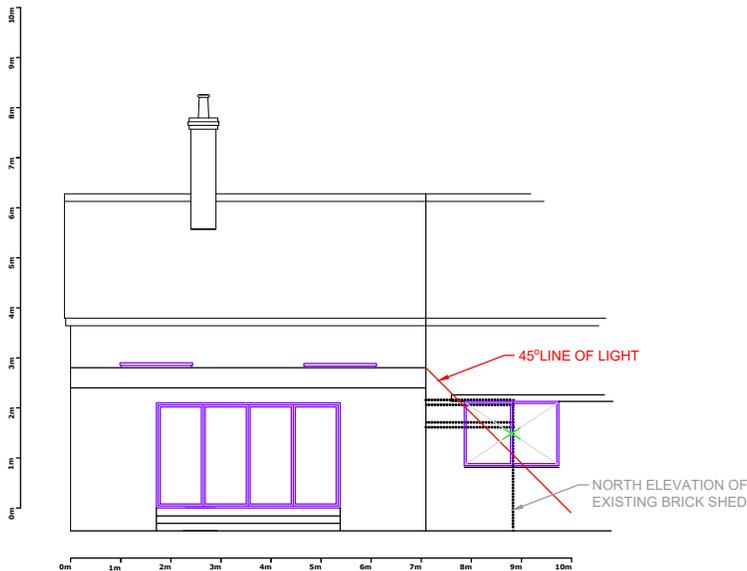
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CLIENT: GUNBY

APPLICATION SUMMARY:  
Full plans application for single storey rear extension

### NOTES:

- Existing brick outbuilding on neighbouring property occludes light at 45° on plan, so impact of proposed extension is irrelevant and not shown



On behalf of: Mr and Mrs Gunby

Prepared by: Steve Miller Dip TP MRTPI

Date: 09/02/2022



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# Table of Contents

- Introduction .....4
- Location & Site Description .....5
- Proposed Development .....6
- Planning History .....6
- Relevant Planning Policies .....7
  - National.....7
  - Local .....9
- Planning Considerations.....11
- Conclusion.....15

## Introduction

This planning, design & access statement accompanies a full planning application for the erection of a single storey flat roof extension to 11 Edgar Avenue.

Planning Direct has been instructed to produce this statement on behalf of Mr and Mrs Gunby who reside at the dwelling

The statement should be read in conjunction with the following documentation:

- Application forms and certificate of ownership
- Location Plan - 0888.01.C
- Existing and Proposed Site Plan -0888.02.1
- Existing Ground Floor Plan- 0888.03.1
- Proposed Ground Floor Plan- 0888.04.2
- Existing South (side) Elevation - 0888.05.1
- Existing East (rear) Elevation - 0888.06.1
- Existing North(side) Elevation - 0888.07.1
- Proposed South (side) Elevation - 0888.08.1
- Proposed East (rear) Elevation - 0888.09.2
- Proposed North (side) Elevation - 0888.10.1
- Proposed South (side) Elevation - Facade and Finishes- 0888.11.1
- Proposed East (rear) Elevation - Facade and Finishes - 0888.12.1
- Proposed East (rear) Elevation - Light Occlusion 45 degree test- 0888.13.1

Photos page 1

Photos page 2

## Location & Site Description

The site is located in the Combs Ford residential area of Stowmarket, the principal town of Mid-Suffolk. Edgar Avenue is a tree-lined avenue fronted by distinctive post-war conventional family housing.

The locality has no special planning designations. It is not in a Conservation Area and there are no other heritage assets in the vicinity. The site is in Flood Zone 1. There are no restrictions on permitted rights in the locality.

The application site comprises one of a pair of symmetrical semi-detached dwellings with conventional pitched roof and “shared” front gable. It has a large front porch projection - a general feature of the locality. It is faced in red brick and natural roof slates, another unifying design characteristic of the locality.

At the rear, there is a 2m high screen fence on the common boundary between 9 and 11. There is a semi-detached pitched roof brick shed to both properties spanning the boundary. These were part of the original design concept and are located 3m back from the rear elevations. Kitchen windows face these sheds on both dwellings.

Both 9 and 11 have single storey rear additions , as well as the shed will be demolished to make way for the proposed extension.

## Proposed Development

The development proposals consist of the demolition of the rear extension and the shed and replacement with a single storey flat roof kitchen/diner extension. The extension would project out at the rear by 4m and match the dwelling width (7m). The height would be 3m. Facing materials would be light grey wood texture fibre cement cladding, EDPM membrane roof with black UPVc fascia and aluminium windows. The main fenestration would be patio doors at the rear together with a high level window (south elevation) and roof lights.

## Planning History

Reference no.	Description	Decision	Date
None			

# Relevant Planning Policies

## National

### **National Planning Policy Framework**

Para 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

Para 126. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 128- To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.

Para 130. Planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

### **National Planning Policy Guidance**

The NPPG refers to the National Design Guide and in the context of this appeal the sections on context, identity and built form are relevant.

Para 41- Well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it....

Para 42 -Well-designed new development is integrated into its wider surroundings, physically, socially and visually.

## National Design Code

C1 Understand and relate well to the site, its local and wider context

<sup>41</sup> Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including:

- the existing built development, including layout, form, scale, appearance, details, and materials;
- local heritage – see below – and local character...

42 Well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it. This is proportionate to the nature, size and sensitivity of the site and proposal. A simple analysis may be appropriate for a small scale proposal.

<sup>43</sup> Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

■ patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, grain, form and scale

■ the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development.

## Local

### Mid Suffolk Local Plan 1998

#### DESIGN AND LAYOUT OF HOUSING DEVELOPMENT

##### POLICY H13

NEW HOUSING DEVELOPMENT WILL BE EXPECTED TO ACHIEVE A HIGH STANDARD OF DESIGN AND LAYOUT AND BE OF A SCALE AND DENSITY APPROPRIATE TO THE SITE AND ITS SURROUNDINGS. PROPOSALS FOR RESIDENTIAL DEVELOPMENT SHOULD TAKE ACCOUNT OF THE FOLLOWING:-

- DESIGN AND LAYOUT SHOULD RESPECT THE CHARACTER OF THE PROPOSAL SITE AND THE RELATIONSHIP OF THE PROPOSED DEVELOPMENT TO ITS SURROUNDINGS;
- DESIGN SHOULD COMPLEMENT THE SCALE, FORM AND MATERIALS OF TRADITIONAL BUILDING IN THE AREA;
- AMENITIES OF NEIGHBOURING RESIDENTS SHOULD NOT BE UNDULY AFFECTED BY REASON OF OVERLOOKING OR LOSS OF DAYLIGHT;
- DWELLINGS SHOULD HAVE ADEQUATE PRIVACY, SUFFICIENT DAYLIGHTING AND SUNLIGHTING AND BE PROVIDED WITH PRIVATE AMENITY SPACE OR GARDENS;

#### PROTECTING EXISTING RESIDENTIAL AMENITY

##### POLICY H16

TO PROTECT THE EXISTING AMENITY AND CHARACTER OF PRIMARILY RESIDENTIAL AREAS, THE DISTRICT PLANNING AUTHORITY WILL REFUSE:-

- CHANGE TO NON-RESIDENTIAL USE WHERE SUCH A CHANGE WOULD MATERIALLY AND DETRIMENTALLY AFFECT THE CHARACTER AND AMENITY OF THE AREA BY MEANS OF APPEARANCE, TRAFFIC GENERATION, NUISANCE OR SAFETY;
- THE LOSS OF OPEN SPACES WHICH CONTRIBUTE TO THE CHARACTER OR APPEARANCE OF AN AREA AND WHICH ARE IMPORTANT FOR RECREATION OR AMENITY PURPOSES;
- DEVELOPMENT THAT MATERIALLY REDUCES THE AMENITY AND PRIVACY OF ADJACENT DWELLINGS OR ERODES THE CHARACTER OF THE SURROUNDING AREA. THE CUMULATIVE EFFECT OF A SERIES OF PROPOSALS WILL BE TAKEN INTO ACCOUNT.

## EXTENSIONS TO EXISTING DWELLINGS

### POLICY H18

APPLICATIONS FOR EXTENSIONS TO EXISTING DWELLINGS WILL BE APPROVED, PROVIDED THAT THEY:-

- ARE IN KEEPING WITH THE SIZE, DESIGN AND MATERIALS OF THE EXISTING DWELLING;
- WILL NOT MATERIALLY OR DETRIMENTALLY AFFECT THE AMENITIES OF NEIGHBOURS OR THE CHARACTER AND APPEARANCE OF THE AREA;
- WILL NOT RESULT IN OVER-DEVELOPMENT WITHIN THE CURTILAGE.

THE CUMULATIVE EFFECT OF A NUMBER OF EXTENSIONS TO THE EXISTING DWELLING WILL BE REGARDED AS A MATERIAL CONSIDERATION.

## Planning Considerations

Having regard to the following, it is considered that the development would have an acceptable impact on existing residential amenities and, further, would provide a high standard of amenity to future occupants of the scheme itself.

### **Design**

The design is conventional and contemporary. It is typical of many modern rear additions. Its mass and size is less than the host dwelling in accordance with the architectural principles of subservience. It would use modern materials which although not matching the house are contemporary, high quality and in vogue. This is a high quality sustainable and attractive development supported by the principles of good design in the NPPF, NPPG, NDC as well as local policies H13 and H18.

The dwelling is relatively small and enlargements are necessary to improve the residential accommodation at the site in order to meet family requirements. It is therefore sustainable development in accordance with the NPPF. The proposals would increase the sustainability of the dwelling for family accommodation which is desirable in this part of Stowmarket.

### **Impact on 9 Edgar Avenue**

The accepted industry guide for assessing lighting impacts of development is *Site Planning for Sunlight and Daylight* published by the Building Research Establishment. This sets out the 45 degree approach where extensions are adjacent to attached dwellings. Figure 17 sets explains that light is likely to be affected if the centre of the affected window is within 45 degrees in both elevation and plan. Extract below-

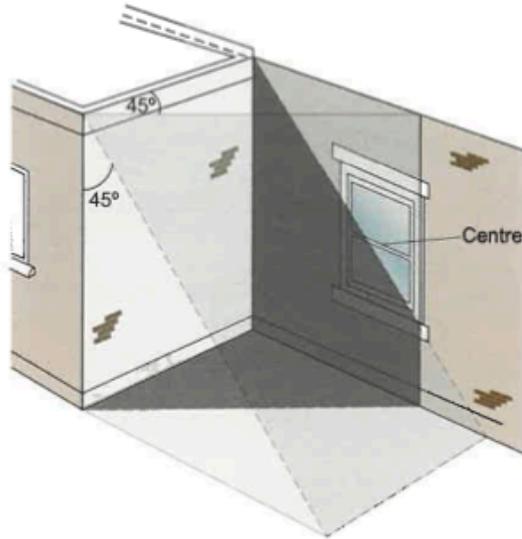
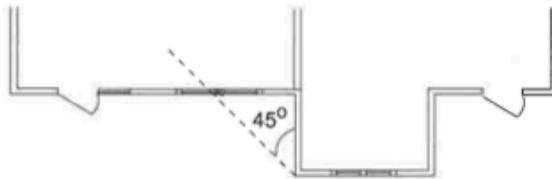


Figure 17: Application of the 45° approach to a domestic extension. A significant amount of light is likely to be blocked if the centre of the window lies within the 45° angle on both plan and elevation. Here the centre of the window lies outside the 45° angle on elevation, so the impact of the extension is likely to be small.

**Section**



**Plan**



Drawing 0888.13.1 is a plan showing the 45 degree angle in relation to the kitchen of no: 9. The line doesn't extend to the centre of the window and therefore the test is passed. Natural light to the kitchen is thus not unduly affected by the proposals.

This kitchen window is small and not as important to the lighting amenities of the dwelling as the adjacent lounge and conservatory. Extensive light is unobstructed to these areas. Therefore, the lighting amenities to no:9 are not unduly affected by the proposals. Lighting to kitchens is less important than to lounge areas. Sunlight impacts would be small given the limited height of the extension.

The outlook from the kitchen is already affected by the adjacent conservatory and sheds which are approximately the same height as the proposal. The extension would necessitate removal of the shed and thus would not extend beyond the sheds at no:9. Therefore, the additional impact is confined to the area between the main rear wall and the shed to be removed. This amounts to 3m which is not considered to be significant in terms of the nett impact on no: 9. The extension at approximately only 1m higher than the fence would not cause significant additional impacts.

It is considered that this flat roof single storey extension would not be overbearing in relation to 9 due to its height and that it replaces a shed resulting in insignificant amounts of extra walling near the boundary.

The proposals therefore are supported by local policies H6 and H18.

### **Permitted development and the fall-back position**

As explained above, the nett additional walling on the boundary is only 3m because a shed is being demolished. A 3m deep extension would be permitted development and therefore the impacts on no:9 would in fact be the same as with the proposals. The proposed extension has a generous floorspace of 28m<sup>2</sup>. Mr and Mrs Gunby would consider reducing the extension to 3m deep in line with permitted development limits or could stagger the rear wall to 3m deep on the boundary and 4m deep elsewhere. This is what has been granted planning permission at 23 Edgar Avenue ref: DC/17/05528. The planning circumstances there are almost identical to the situation at 9 and 11 Edgar Avenue.

Therefore, there are two valid fall-back positions which are material considerations here. The relevance of the fall-back position is well-established. In this regard, a 2017 Court of Appeal Judgement (*Mansell v. Tonbridge & Malling Borough Council [2017] EWCA Civ 1314*) clarified when a fall-back development may be a material planning consideration for an alternative development. This case concerned an appeal

concerning a decision of Garnham J in dismissing a claim for judicial review of a planning permission granted by Tonbridge & Malling Borough Council. The demolition being the demolition of a barn and bungalows and the construction of 4 detached dwellings.

In the Court of Appeal Judgement, Lindblom LJ confirmed the legal considerations in determining the materiality of the 'fall back' position as a planning judgement were as follows:

- the basic principle is that for a prospect to be a real prospect it does not have to be probable or likely, a possibility will suffice.
- there is no rule of law that in every case the 'real prospect' will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases, that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgement in the particular circumstances of the case in hand.

## Conclusion

It is considered that the high-quality development proposed is of a good design, sustainable and meets the family needs of Mr and Mrs Gunby.

We have carried out detailed assessments and conclude that the lighting and outlook impacts on no: 9 Edgar Avenue would not be significant. The proposals would not contravene local policies on protecting amenity.

There are valid fall-back positions of Mr and Mrs Gunby which would result in development having much the same impact on the neighbouring property as under the current proposal. One of these options would not require planning permission and the other would be much the same as a planning permission granted nearby.

It is the professional opinion of Planning Direct that this application ought therefore to be allowed.

