

ABLE BISHOP AND COMPANY SOLICITORS

In The Matter Of A Planning Application

Relating To Land Between 45 And The Old House Ash
Drive Eye In The County Of Suffolk

Planning Application Reference Number 1921/05/FUL

Relating to the Proposed Residential Development
Comprising the Erection of Four Dwellings as Amended
by a Site Plan Lodged by the Agent on 7th November 2005
being on Land at Ash Drive Eye

STATEMENT OF OBJECTIONS

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1. The proposed development contained within the planning application will involve the construction of four residential dwellings on land which is currently open and located at Ash Drive in Eye in the county of Suffolk. The proposed development will therefore result in an increase in built development within the locality and will also lead to the loss of an open area and prevent its continued use for car parking purposes. Accordingly, the proposed development will lead to a reduction in the number of car parking spaces available for the public in general within the locality and accordingly will lead to further on-street car parking in the area which will cause traffic problems including congestion on the public highway. The loss of current car parking spaces is a significant factor which will have an adverse impact upon the area. Accordingly, the proposed development should be refused on the grounds that it will unduly restrict the availability of car parking within the area.

2. The proposed development includes two residential properties to be sited at the rear of the sloping car park which by virtue of their location and orientation will inevitably cause unavoidable overlooking into the property known as the Old Pest House Eye Suffolk. It is contended that the degree of overlooking which

inevitably would arise is totally unacceptable and would have an adverse impact upon the privacy hitherto enjoyed by the occupiers of the Old Pest House Eye.

3. It is further contended that the proposed development will cause an adverse impact upon traffic movements in the area and also upon the access to adjacent properties. Given the proposed layout for the development it would appear that additional parking would be generated in position which would inhibit free movement of vehicles along existing accesses and rights of way.
4. It is also considered that the proposed development will be virtue of its siting be located on a prominent part of the town which will be visible from an number of vantage points. It should be noted that under the terms of the Statutory Development Plan the policy framework seeks to protect the townscape from development of this nature. Accordingly, the proposed development should be rejected in order to preserve the local townscape. An examination of zones of visual influence indicates that the application site is in a very important site within the local townscape. Accordingly, it is important that considerable weight is attached to the need to preserve the local townscape.

5. The application site is also a very prominent site in topographical terms. The site can be viewed from a large number of existing vantage points to which the public have access. It can also be observed quite clearly from public footpaths. Clearly, any further development on the application site will be easily observable from public footpaths and will have an adverse impact upon visual amenities when viewed from the said footpaths.
6. It is also considered that the proposed development will cause an adverse impact upon the residential amenities of the occupiers of residential properties in close proximity to the site by virtue of increased noise and disturbance arising from the nature of the use to be carried out within the proposed development. In particular, the proposal involves the construction of four new dwellings which will generate additional activities and disturbance.
7. It should also be noted that in planning terms the local planning authority must also take into account the residential amenities of those occupying The Old Pest House. Those residing within the property would suffer an adverse impact in terms of loss of residential amenities arising from the proposed siting of the four dwellings within the application site. It is considered that

the chalet dwellings would cause unacceptable overlooking and intrude into the privacy of those occupying The Old Pest House. It is therefore clear that the proposed development would be unacceptable given its adverse impact upon The Old Pest House itself.

8. It is considered that the proposed development if permitted would clearly constitute an unacceptable precedent. If the council were to allow this particular proposal then it would generate the justification for further built development of a similar form on adjacent land. Precedent is a material planning consideration in circumstances of this nature.
9. The question of precedent as a material consideration is an important issue in the locality.
10. It is also considered that the proposed development also contravenes Policy ENV3. In that policy statement it states that:

'to conserve and enhance a special character Suffolk, the local planning authorities will require higher standards of siting, design and landscaping in all developments. Designs and layouts should respect the characteristics of their sites and surroundings,

while achieving densities of development consistent with the efficient use of land.

In new housing, a mix of types, sizes and densities of dwellings should be provided consistent with local needs, the characteristics of the area and the principles of good design.'

11. It is contended that the proposed development as set out in the current planning application fails to comply with the terms of the above policy statement. Not only is the layout inappropriate but also the density of the proposed development clearly indicates an inefficient use of land. Furthermore, the proposal does not contain an appropriate mix of housing types and sizes. Furthermore, the layout does not respect the characteristics of the site or the surrounding area.
12. In the local plan Policy H16 contains guidelines designed to protect the existing residential amenities of built development within the area. The policy states that the following criteria will be considered:
 1. **“the loss of open spaces which contribute to the character or appearance of an area and which are**

important for recreational or amenity purposes; development that materially reduces the amenity and privacy of adjacent dwellings or erodes the character of the surrounding area. The cumulative affect of a series of proposals will be taken into account."

13. Clearly, the proposals set out in the current planning application would materially and detrimentally affect the character and amenity of the area by means of appearance, traffic generation and nuisance. It would also lead to the loss of a sense of openness in the area which would contribute to an erosion of the character of the area. It is also clear that the proposed development would materially reduce the amenity and privacy of the adjacent dwellings. Given the above points it is quite clear that the proposed development can be refused on the grounds that it contravenes Policy H16 in the Local Plan.
14. The proposed development set out in the application also fails to put forward a scheme for housing development which satisfies requirements of Policy H13 in the Mid Suffolk Local Plan. In that policy statement it states that:

'new housing development will be expected to achieve a high standard of design and layout and to 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, formed from materials of traditional buildings in the area;

the amenities of neighbouring residents should not be unduly affected by reason of overlooking or loss of daylight;

dwellingings should have adequate privacy, sufficient daylighting and sunlighting and be provided with private amenity space or garden;

landscape features including hedges and trees should be retained unless this is impracticable or unnecessary;

historical, ecological or architectural features of a site should be retained unless this is impracticable or unnecessary, and where possible enhanced.

Road layouts should be designed to the standards and requirements of the county highways authority;

Dwellings should have satisfactory access to the adjacent highway and car parking provision in accordance with the approved parking standards of the planning authority.'

15. It is clear that the proposals set out in the planning application do not take into account the principles set out in the Policy Statement mentioned above. It is clear that the proposed development will have an adverse impact on the amenities of neighbouring residents by reason of overlooking and intrusion into privacy. It is also clear that the layout proposes a scale which is inappropriate for the site and for the area. Furthermore, within the area there are a number of trees. The proposed development would have an adverse impact upon such existing landscape features and would therefore be detrimental to

the character of the area. The road layout proposed is also unacceptable. The increase in vehicle movements would have an adverse impact upon the amenities of the occupiers of The Old Pest House.

16. The proposals set out in the planning application also contravene Policy GP1 on the design and layout of development. In the policy it is stated that:

'poor design and layout will normally refused in new developments. The district planning authority will normally grant permission for proposals which meet the following design criteria:

proposals should maintain or enhance the character and appearance of their surroundings, and in respect of the scale and density of surrounding developments;

materials and finishes should be traditional or compatible with traditional materials and finishes and should respect local architectural styles where appropriate;

the siting and buildings and the creation of open spaces between existing and proposed buildings should maintain or enhance the

character of the site, with attention to the treatment of boundaries particularly on the edge of settlements;

layouts should incorporate and protect important natural landscape features including existing trees, scrubs and hedgerows;

proposals should make proper provision for the garaging car parking and turning of motor vehicles and for footways and access in a manner that does not dominate the appearance and design of the layout;

landscaping should be regarded as an integral part of design proposals;

the inter-relationship between buildings and open spaces in any layout should act to minimise opportunities for criminal activity.'

17. It is clear that the proposals fail to comply with the criteria mentioned in Policy GP1 because the proposals will cause a detriment to the character and appearance of

the surroundings. The development does not respect the scale and density of surrounding development. Furthermore, the siting of the proposed dwellings would reduce the amount of open space and would have an adverse impact upon natural landscape features. The proposal does not constitute an adequate or satisfactory approach to maintaining an appropriate inter-relationship between buildings and open spaces.

18. The proposed development would clearly contravene the terms of Policy SB2. In that policy statement it clearly requires new development to be appropriate to its setting. The policy clearly indicates that development will not be permitted in circumstances where it adversely affects one or more of the following factors:

- 1. the character and appearance of the settlement;**
- 2. the privacy and amenity of neighbouring properties;**
- 3. road safety including impact of traffic generation;**
- 4. existing open spaces providing important facilities or amenities;**

5. existing wildlife areas, trees or other landscape features within or abutting settlement boundaries;

6. listed buildings, their settings or the appearance of a conservation area;

19. It is clear that the district planning authority must refuse development which does not have a form common scale or character in keeping with the surrounding area. Furthermore, excessive infilling or inappropriate forms of layout must be refused by the council. It is clear that the proposed development is out of scale and character with the surrounding area and constitutes excessive infilling and inappropriate development which must be refused.

Conclusion

It is therefore considered that the application for planning permission should be rejected on the grounds mentioned above which should be incorporated into the specific reasons for refusal.

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