



AREA SOUTH COMMITTEE

2nd July 2014

ITEMS FOR INFORMATION

The items for information do not form part of the agenda and are circulated to members of Area South Committee and the Head of Area Development only. Should members have questions regarding any of the items please contact the officer named in the relevant report. After discussing the item with the officer, and with the Chairman's agreement, a member may request the item to be considered at a future Committee meeting.

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- 1. Appeals**
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1. Appeals (For information)

Assistant Director: Martin Woods, Assistant Director (Economy)
Lead Officer: Martin Woods, Assistant Director (Economy)
Contact Details: martin.woods@southsomerset.gov.uk or (01935) 462071

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the committee.

Appeals Received

Ward: Yeovil (Central)
Proposal: The erection of a single dwelling (Re-Submission) (GR 355855/115784)
Appellant: Mr I White
Site: 2 Woodland Terrace Mill Lane Yeovil Somerset BA20 1NY

Ward: Yeovil (West)
Proposal: The formation of a new vehicular access and hard standing (Revised Application)(GR 354106/116715)
Appellant: Mrs Helen Handscomb
Site: 74 Larkhill Road Yeovil Somerset BA21 3HQ

Appeals Dismissed

Ward: Yeovil (West)
Proposal: Alterations and the erection of a two storey rear extension and alterations and relocation of garage (GR 355476/117404)
Appellant: Mr & Mrs Harry Sayers
Site: 115 Mudford Road Yeovil Somerset BA21 4AQ

Financial Implications

None

Implications for Corporate Priorities

None

Other Implications

None

Background Papers: Planning application file

Appeal Decision

Site visit made on 28 May 2014

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 June 2014

Appeal Ref: APP/R3325/D/14/2217447

115 Mudford Road, Yeovil, Somerset BA21 4AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Harry Sayers against the decision of South Somerset District Council.
 - The application Ref 13/04831/FUL, dated 27 November 2013, was refused by notice dated 21 February 2014.
 - The development proposed is the erection of a two storey extension and alterations to garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government's Planning Practice Guidance (the Guidance) was published on the 6 March 2014. I have taken into account the Guidance in reaching my decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 113A and 115A Mudford Road, with particular regard to outlook and loss of sun and day light.

Reasons

4. The appeal property lies within a predominantly residential area comprising a mix of mostly detached and semi-detached houses. Mudford Road is a long road bordered by residential properties that runs uphill towards the north. The properties near to the appeal site are raised above the level of the road, set back from it behind front gardens, with driveways to one side. To the rear they have long gardens of a similar size and width.
5. 115 Mudford Road is a detached house of a similar style and design to its immediate neighbours, Nos 113A and 115A. They have similar single storey rear lean-to extensions, and the houses step gently up the hillside, with No 113A being the lowest of the three. The driveways to Nos 113A and 115 are positioned together, forming a wide gap between them, whilst to the other side, there is a narrow gap between the appeal property and its other neighbour.

6. The appeal property and those near to it along Mudford Road have a similar positioning on their plots, with both the front and rear elevations of the houses forming defined building lines. The proposed two storey rear extension would project well beyond the single storey lean-to extensions of both the neighbouring properties. Its substantial height and depth would form a large and overbearing addition to the rear of the house that would be a dominating and oppressive structure at close proximity to No 115A.
7. I appreciate that the proposed extension would have a hipped roof. Notwithstanding this, it would not significantly reduce the effect of the substantial height and depth of the proposed extension at such close proximity to the neighbouring property. From my site visit I saw that there is a high conifer hedge that runs along the northern boundary of the appeal property, and a mature tree within the garden of No 115A. However, the tree is at some distance from the house, whilst the height of the hedge is substantially lower than the proposed two storey extension. As such neither has the same oppressive impact on the neighbouring house as the proposed extension.
8. The appellant considers that the proposed extension would not break the 45 degree test as regards loss of light, and that during the winter much of the light is blocked by 1 Chilton Grove. I acknowledge that the positioning of No 1 on its plot would cause some loss of light to neighbouring properties, particularly to No 113A. However, the impact of No 1 on the appeal property and the houses beyond it to the north would be much less due to the distances between them. Furthermore, the size and proximity of the proposed extension would have a much greater and harmful impact on No 115A as regards loss of light than would No 1, particularly with regard to the rooms closest to the boundary and the area of garden near to the house.
9. The occupiers of No 113A already experience a loss of day light through the proximity of No 1 to their house and garden, and consider that the proposed extension would exacerbate this. However, the proposed extension would be located to the north, and would be separated from it by the driveways to both properties. As such it would not have an unacceptably harmful impact on the occupiers of No 113A with regard to loss of day light.
10. I appreciate that the proposed extension would provide the appellants with space for their family, and I note that a two-storey extension could be constructed without the need for planning permission. Be that as it may, any such extension would not be as substantial as the proposal before me.
11. The appellant has also referred me to other two storey rear extensions in the area, including other appeal decisions. However, I do not have the planning history of these properties before me, and in any case each scheme has to be treated on its own individual merits in accordance with the requirements of the development plan and all other material considerations.
12. I therefore find the proposed development would unacceptably harm the living conditions of the occupiers of 115A Mudford Road with regard to outlook and loss of sun and day light. This would be contrary to Policy ST6 of the South Somerset Local Plan (2006) (LP) that amongst other things, and like an objective of the National Planning Policy Framework (the Framework) and the Guidance, seeks a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

13. The Council have referred to LP Policy ST5 in their determination of the application. From the evidence provided, this refers to the general principles of development, including amongst other things, and like an objective of the Framework and Guidance, design that respects the local character and distinctiveness of an area. The proposed extension would be visible from both Mudford Road and Chilton Grove. It has been designed to harmonise with the host and neighbouring properties in terms of design and styling, and despite its size, it does not significantly harm the character and appearance of the area. Nevertheless, this does not outweigh the harm I find with regard to the main issue.
14. Local residents have raised concern that they were not informed of the scheme by the appellant, and that the owners are likely to move away once the extension has been built. The Council notified the occupiers of the neighbouring properties about the planning application and appeal, thereby providing their occupiers an opportunity to comment. The future intentions of the appellant concerning the house have no bearing on the planning merits of the proposal before me.
15. Concern has also been raised that the construction of the extension would result in noise and disturbance. Although some disturbance would be inevitable, it would be for a limited period, and in any event, be subject to other legislative controls.

Conclusion

16. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR

Area South Committee – 2nd July 2014

2. Major Applications Received and Determined (For information)

Assistant Director: Martin Woods, Assistant Director (Economy)
Lead Officer: Martin Woods, Assistant Director (Economy)
Contact Details: martin.woods@southsomerset.gov.uk or (01935) 462071

Purpose of the Report

To inform members of the major planning applications received and determined in Area South.

Recommendation

That the report be noted.

Background

Area South members have asked that a monthly report relating to the major planning applications received and the decisions made be submitted to the Committee.

Report

There were no major applications received or determined between 19th May 2014 and 16th June 2014.

Financial Implications

None

Implications for Corporate Priorities

None

Other Implications

None

Background Papers: Planning application files

MAJOR APPLICATIONS RECEIVED FOR AREA SOUTH BETWEEN 19th MAY 2014 & 16th JUNE 2014

<p>14/02296/FUL SOUTH</p>	<p>Valid Date: 05.06.2014 Target date : 04.09.2014 AC0 Development Type 03</p>	<p>Palmers Trading Estates (Preston) Ltd C/o Agent</p>	<p>The erection of a self storage building with offices, the change of use of land to an outside storage area including vehicle and caravan storage and the change of use of land for the sale of cars and caravans (including storage of vehicles/caravans)(Part Retrospective)(GR 353277/116128)</p> <p>Higher Farm Industrial Estate Preston Road Yeovil Somerset</p>		
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MAJOR APPLICATIONS DETERMINED FOR AREA SOUTH BETWEEN 19th MAY 2014 & 16th JUNE 2014

<p>12/00403/OUT SOUTH</p>	<p>Valid Date: 31.01.2012 Target date : 01.05.2012 SJF Development Type 04</p>	<p>Yeovil Town Football Club Huish Park Brympton Yeovil Somerset BA22 8YF</p>	<p>The erection of a Class A1 food retail unit, new and altered access, car parking and servicing, landscaping together with public open space (GR 352700/116971)</p> <p>Yeovil Town Football Club Ltd Boundary Road Brympton Yeovil Somerset BA22 8YF</p>	<p>Application Withdrawn</p>	<p>03.06.2014</p>
<p>14/01190/FUL SOUTH</p>	<p>Valid Date: 28.03.2014 Target date : 27.06.2014 ACO Development Type 04</p>	<p>Toolstream Ltd Boundary Way Lufton Yeovil Somerset BA22 8HZ</p>	<p>The erection of an extension to distribution warehouse and an external fire escape to existing warehouse (GR 352329/117093)</p> <p>Toolstream Ltd Boundary Way Lufton Yeovil BA22 8HZ</p>	<p>Application Permitted with Conditions</p>	<p>23.05.2014</p>