

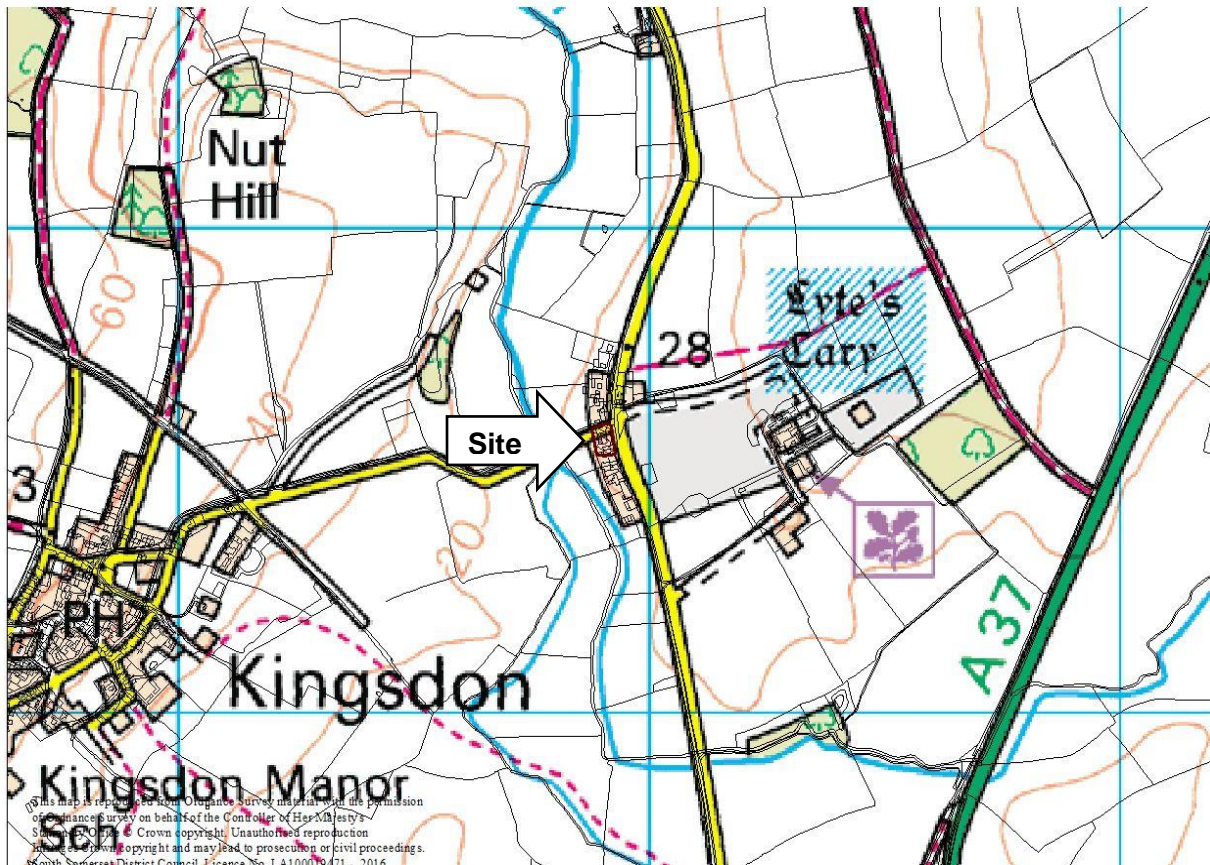
## Officer Report On Planning Application: 16/00090/FUL

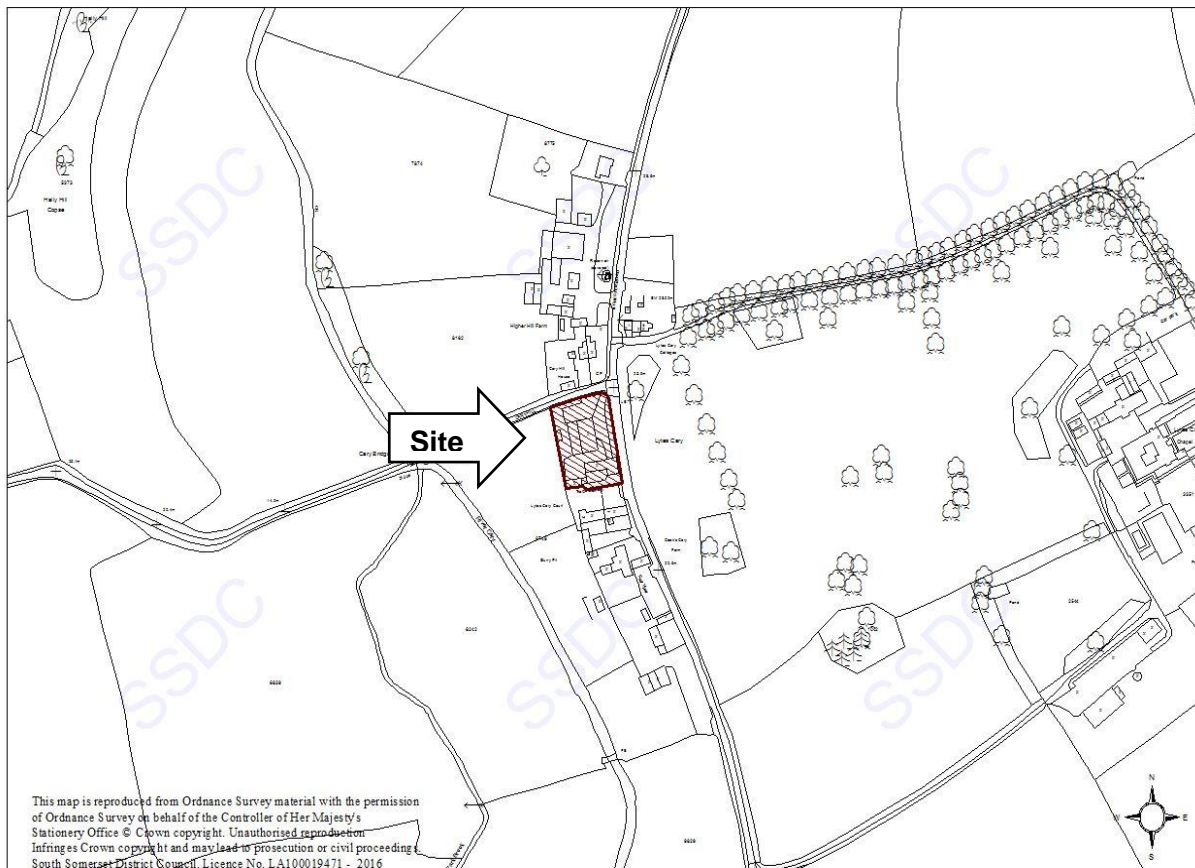
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| <b>Proposal :</b>                    | Conversion of agricultural building to dwelling and the erection of a detached carport with room above, boundary wall and formation of new access (Revised and Part Retrospective). (GR 352923/126547) |
| <b>Site Address:</b>                 | Land And Buildings Adjoining Cooks Cary Farm Lytes Cary Kingsdon   |
| <b>Parish:</b>                       | The Charltons Parish Council   |
| <b>NORTHSTONE Ward (SSDC Member)</b> | Cllr David Norris  |
| <b>Recommending Case Officer:</b>    | Alex Skidmore<br>Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk   |
| <b>Target date :</b>                 | 14th March 2016  |
| <b>Applicant :</b>                   | Mr S Beaton  |
| <b>Agent: (no agent if blank)</b>    | Mr Stuart Sinclair, Seymour Studios,<br>Bratton Seymour, Wincanton, Somerset BA9 8BY   |
| <b>Application Type :</b>            | Minor Dwellings 1-9 site less than 1ha   |

### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to committee at the request of the Ward Member and agreement of the Area Chair in order that the issues raised by the adjoining neighbours, in particular in relation to the impact of the development upon their visibility splay, can be discussed further.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking retrospective planning permission to carry out alterations and convert an agricultural building to a dwelling, erect a detached carport and formation of a new access. The application follows two previous consents relating to the conversion of this building to a dwelling however the works carried out vary from either of these consents. The works to convert the building have now been carried out.

The application site is a former disused farmyard and is located in the open countryside remote from any established settlements or development areas. The site is immediately adjacent to the highway and is bounded by natural stonewalls reconstructed by the applicant. The site is bounded by residential properties to the south and north with an access serving the neighbouring properties to the south situated immediately alongside the south boundary of the site. The site is bounded by farmland to the west and Lytes Cary Manor listed park and garden to the east on the opposite side of the public highway. Lytes Cary Manor house itself is set some distance to the east and is grade I listed. A high natural stonewall has been constructed between the site and the neighbouring properties to the south.

**RELEVANT HISTORY:**

- 12/04550/FUL: Conversion of existing barns to dwelling, erection of garage and formation of new vehicular access. Permitted.
- 10/01610/FUL: Conversion of existing barns into two holiday lets, erection of car ports and formation of new vehicular access. Permitted 2010.
- 09/00160/FUL: Formation of new roof on existing building for agricultural use. Permitted 2009.

**POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12,

and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ2 - Historic Environment

EQ4 - Biodiversity

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 7 - Requiring good design

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

## **CONSULTATIONS**

**Charltons Parish Council:** Recommend refusal.

The height of the boundary wall on the east side of the property (Ilchester Road) is still at an unacceptable height seriously curtailing the view for vehicles exiting the next-door properties (Lytes Cary Court) in a northerly direction. The road is subject to the national speed limit and so vehicles can travel at any speed up to 60 mph. The addition of cock and hen capping stones increases the height, especially when taking into consideration that the main access from the development rises up approximately 1 metre before even reaching the road.

The development of this wall is contrary to the original planning permission and still not as modified on the retrospective plans. The drawings submitted are not accurate and do not reflect the existing development which they are meant to regularise. The sightline for cars exiting Lytes Cary Court is still severely impaired. The visibility splay on the plan is about 1.2m out, it is as though the measurement has been taken from the middle of the carriageway, not the edge, in an effort to meet the recommended 2.4m. The sightline north is reduced to no further than 45m, drivers must have a full view up the road without endangering themselves and other road users. The wall must be rebuilt to maintain the sightline from Lytes Cary Court as well as giving an effective sightline for vehicles leaving the developed property.

There are a number other breaches which are not a major concern to the residents. They are still willing to compromise and would accept the wall being moved back only 1 metre, which would give the necessary sightline.

The Parish Council's and residents' main area of concern remains the safe egress for resident of Lytes Cary Court and the new development, therefore the Parish Council asks that this matter has your urgent attention to ensure that a safe sightline is restored and maintained and the plans amended accordingly.

**County Highways:** Referred to their standing advice.

**Garden History Society:** No comments received

**Amenities Society:** No comments received

**National Trust:** No comments received

## **REPRESENTATIONS**

Written representations have been received from the two neighbours that adjoin the site to the south raising the following concerns and objections:

- The position and height of the boundary wall onto Ilchester Road remains unacceptable in that it fails to provide 1 & 2 Lytes Cary Court with the necessary visibility splay or height required to provide them with safe egress onto the road. Policy SD1 of the LP states that development should normally be supported unless the adverse effects would demonstrably outweigh the benefits. Paragraph 32 of the NPPF notes that planning decisions should take account of whether “safe and suitable access to the site can be achieved for all people ..”. This adverse harm to highway safety is sufficient to refuse this application. There is sufficient room to achieve the required visibility.
- Unlike the previously approved scheme, the development as built includes a substantial amount of additional glazing and fenestration to the southern elevation, the whole of the southern gable now glazed. This is a substantial variation to what was originally approved. We question if this is in keeping with the traditional character of the building and the wider area.
- The increased glazing will result in increased light pollution.
- The primary outlook of 1 Lytes Cary Court is to the north towards the application site. The southern wall for Bedroom 2, which is at first floor level, is now fully glazed and looks directly into the various primary rooms at 1 Lytes Cary Court. The combined effect of the proximity of the buildings and the width of the windows will heighten the overall loss of privacy to this property. It also appears that bedroom 2 has been subdivided to form two rooms, which further intensifies this overlooking concern.
- The new access for the development does not accord with the highway authority’s previous recommendations for application 12/04550/FUL, the roadside wall has been built hard against the highway instead of being set back behind the visibility splay. The gradient of the access also has a detrimental effect for the visibility of drivers leaving the site. The new gate and splay are also not set back sufficiently from the carriageway.
- There is a five bar gate in the northeast corner of the site at the junction with Cary Hill, this should be blocked up.
- The submitted plans are not accurate.

## **CONSIDERATIONS**

This application is seeking to convert an existing barn into a single residential dwelling, erect a detached garage and form a new access.

This application follows the granting of planning permission (10/01610/FUL / 12/04550/FUL) for the conversion of an agricultural barn to a dwelling, the erection of a detached garage and formation of a new vehicular access. The current application is retrospective and seeks to address amendments to the approved scheme, including an amended redline area to include an extension to the associated garden area, amended access and amended fenestration detailing.

### Principle:

The principle of the residential conversion of this site to a single dwelling has previously been established through the earlier permission (12/04550/FUL).

### Residential amenity:

This application includes a number of alterations to the fenestration detailing from that approved under the previous scheme. The most significant of these alterations relates to the enlarged areas of glazing on the south elevation, including at first floor level in the south facing gable (a bedroom window) which faces directly into the front of the next door property (1 Lytes Cary Court). The previously approved scheme granted two modest casement windows in this gable end and it is accepted that the enlarged area of glazing will significantly increase the sense of overlooking and loss of privacy to this next door neighbour, it is noted that this neighbour has objected for this reason and that they state their main outlook for their primary living accommodation is to the north towards the site.

The distance between this gable end and the neighbour's front windows is just over 20 metres and it is acknowledged that a high wall has been erected on the adjoining boundary between the neighbour and the application site. However, given this gable window serves a primary living room (bedroom 2) and bearing in mind the internal floor level of this room, there will be full and clear views from this room into the neighbour's windows opposite. The resulting increased sense of overlooking to the neighbour, compared to that of the previously approved scheme, is considered to be significantly more intrusive to their privacy and to constitute a demonstrable and unacceptable loss of the neighbour's residential amenity.

Further to this, there is also the matter of the amenity of future occupiers of this development to be considered. The two main bedrooms (bedrooms 1 and 2) are at first floor level within the east wing of the barn conversion and are served by full glazing within the two gable ends. This arrangement results in a 'goldfish bowl' situation with clear views from the next door neighbour into bedroom 2 and from anyone passing by the property along the adjacent lane into both bedrooms. This situation can be remedied by the use of internal blinds / curtains and so whilst it is a poor arrangement is not considered to be sufficiently severe as to be a reason to object to this development.

The neighbour has also raised concerns about light pollution resulting from the large gable windows. Whilst internal lighting at night is likely to be visible to the neighbour it is not considered that the resulting impact would be so great as to cause any significant disturbance to them.

In all other respects the design changes raise no substantive amenity concerns and are considered to be acceptable.

### Design and visual amenity:

The scale and form of the barn conversion has not varied from that previously approved. The changes to the fenestration detailing of the barn are quite significant, however, bearing in mind that the south and north gables of the original barn were previously open sided it is accepted that treating them with glazing in this manner is in keeping with the original form and character of this building. The other alterations, which includes enlarged glazing at ground floor level on the south elevation and within the west facing gable and the addition of a timber framed porch on the north elevation raise no strong visual amenity concerns.

### Impact upon the adjacent listed park and garden:

The site is situated on the opposite side of the road from the listed park and garden associated with Lytes Cary Manor. No comments have been received from any of the relevant amenity societies or the National Trust in respect of the application and it is not considered to

significantly impact upon the setting of this historic asset any more than that which was previously approved.

Parking and highway safety:

The proposed access, parking and turning arrangements to serve the development generally accord with the highway authority's standing advice. A neighbour has noted that the position of the boundary wall either side of the access differs to that previously approved, however, provided the wall does not exceed 900mm in height and the level of the access is at the same height as the road, matters that can be controlled by condition, then it is accepted that visibility for drivers leaving the site will match that agreed under the previous permission.

A new boundary wall has been erected along the road boundaries to the north and east of the site. The position of the wall as indicated on the submitted layout plan is generally considered to be acceptable and is such that the southern visibility splay for the Cary Hill / Ilchester Road junction should be preserved. Unfortunately it would appear that the built position of a section of this wall does not strictly accord with this plan and affects the visibility for drivers pulling out of Cary Hill onto Ilchester Road. This is a matter however that must be dealt with separately to the planning application. There is however a lack of detail provided in respect of the wall in terms of its appearance and height and so a condition to address these matters is considered appropriate.

The adjoining neighbours at 1 & 2 Lytes Cary Court have objected to the development due to a high boundary wall that has been erected around the southeast corner of the site which restricts visibility for their own access in a northerly direction. This section of wall has been altered and set back to improve this situation however it is accepted that visibility is still slightly restricted from what it would have been previously. Whilst this is less than ideal, it should be acknowledged that where someone's visibility splay crosses over third party land and it has not been secured in perpetuity through a legal agreement, which is the case in this instance, its future / permanent retention cannot then be guaranteed. Under current planning rules the neighbour's visibility splay could have been eroded / lost through the erection of walls / fencing / planting, without necessarily requiring any planning consent. On this basis, it is considered that the retrospective securing of a third party's visibility splay over another person's land, which in this case is the application site, is unreasonable. As such it would be unreasonable to refuse the application on this basis.

Conclusion:

In summary, it is considered that the increased level of overlooking to the next door neighbour constitutes a demonstrable loss of amenity and for this reason the development is considered to be unacceptable and is recommended for refusal.

**RECOMMENDATION**

Refuse permission for the following reason:

1. The proposed development, by reason of its design and window arrangement, will significantly increase the extent to which the development overlooks the next door property increasing both the sense of intrusion and a genuine loss of privacy to the neighbour which is considered to be so severe as to represent a demonstrable loss of their amenity. The application is therefore contrary to the aims and objectives of policy EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.
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